



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH**W.P. (MD) No.4668 of 2017**

Veldurai

... Petitioner

-vs-

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
Alangulam Taluk, Tirunelveli District.
3. The Inspector of Police,
Uthumalai Police Station,
Alangulam Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the 3rd Respondent vide C.No.06/H4PS/2017 dated 14.03.2017 and quash the same and further directing the Respondents to grant one day permission for conducting Stage Argestra Programme scheduled on 26.03.2017 at about 9.00 p.m. to 1.00 p.m. in front of the Arulmighu Uchinimahaliyamman Temple in Uthumalai, Alangulam Taluk, Tirunelveli District.

For Petitioner : Mr.S.Krishnan
For Respondents : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

O R D E R

The petitioner submitted an application for conducting Light Music Programme in connection with Uthumalai Arulmighu Uchinimahaliyamman Temple festival on 26.03.2017, which has been rejected by the Inspector of Police, Uthumalai Police Station by the impugned order dated 14.03.2017, challenging which the petitioner is before this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. The Police have rejected the request on the ground that the Deputy Superintendent of Police has passed orders under Section 30 (2) of the Police Act, 1861 and that they also apprehend breach of peace. However, Section 30(4) of the Police Act, 1861 reads as follows:

"(4) Music in the streets - He may also regulate the extent to which music may be used in streets on the occasion of festivals and ceremonies."

4. It appears that notwithstanding the power under Section 30 (2) of the Act, the Police have authority to regulate music in streets on the occasion of festivals and ceremonies. In this case, the petitioner is not seeking permission for conducting musical procession through streets. What he seeks is permission to conduct the Light Music Programme in connection with the temple festival. Apart from merely saying that there is likelihood of breach of peace, there is no other material placed before this Court in justification of the same. Of course, this Court is aware that such decisions of the Executive Authorities should not be easily interfered with, because only they know the ground reality.

5. However, taking into consideration the nature of the request, the petitioner is directed to give a fresh representation to the third respondent and on such representation being given, the third respondent is directed to once again consider the request of the petitioner for conducting the Stage Orchestra Programme scheduled to be held on 26.03.2017.

6. It is made clear that in the event of the respondent police granting permission for the programme, stringent conditions should be imposed to the effect that the programme should not be conducted beyond 10:00pm and if any song, insulting other communities, is sung or played, the Police can intervene and stop the programme.

With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar



To: **சென்னை**

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Alangulam Taluk,
Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.16220

+One cc to Mr.S.Krishnan, Advocate, SR.No.16399

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RL/6C/3P/MR/SAR3/22.3.2017

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