



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM

THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

W.P. (MD) No.7061 of 2018

and

W.M.P. (MD) No.6750 of 2018

(Criminal)

Ragupathy

... Petitioner

-Vs-

1.The Superintendent of Police,
Thanjavur District.

2.The Sub Inspector of Police,
Naducauvery Police Station,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in dated 24.03.2018 and quash the same and consequently direct the respondents to grant permission to perform the cultural program of "Adal Padal" programme on 29.03.2018 night at about 07.00 PM to 12.00 PM in connection with Panguni festival at Arulmigu Sri Mariamman Thirukovil situated at Veerasingampettai, Thiruvaiyaru Taluk, Thanjavur District and to provide adequate police protection based on the petitioner's representation dated 24.03.2018.

For Petitioner : M/s.S.Bharathi

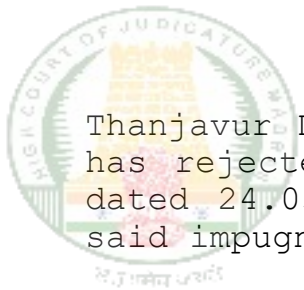
For Respondents : Mr.V.Anand,
Government Advocate.

O R D E R

This writ petition has been filed by the petitioner to call for the records pertaining to the impugned order passed by the second respondent in dated 24.03.2018 and quash the same and consequently direct the respondents to grant permission to perform the cultural program of "Adal Padal" programme on 29.03.2018 night at about 07.00 PM to 12.00 PM in connection with Panguni festival at Arulmigu Sri Mariamman Thirukovil situated at Veerasingampettai, Thiruvaiyaru Taluk, Thanjavur District and to provide adequate police protection based on the petitioner's representation dated 24.03.2018.

2.Heard M/s.S.Bharathi, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

3.The learned counsel appearing for the petitioner has submitted that in their Village it was decided for conducting 'Adal Padal' in the eve of "Panguni Festival" of Arulmigu Sri Mariamman Thirukovil situated at Veerasingampettai, Thiruvaiyaru Taluk,



Thanjavur District. He further submitted that the second respondent has rejected the petitioner's representation by the impugned order dated 24.03.2018 without assigning any valid reason and hence the said impugned order has to be quashed.

4.The learned Government Advocate has submitted that since the communal problems are coming, the petitioner's representation has been rejected by the second respondent. He further submitted that since the petitioner is seeking permission for conducting 'Adal Padal' though out the night as per the judgment of the Honourable Supreme Court of India in Church of God (Full Gospel) in India Vs K.K.R.Magestic Colony Welfare Association and Others, reported in 2001-1-L-W (CRL) 233, using a loud speaker or a public address system after 10.00 p.m cannot be permitted, the petitioner's representation cannot be considered .

5.In the impugned order, the second respondent has stated that since communal problems are coming, permission for conducting 'Adal Padal' cannot be granted. The said reason cannot be accepted. Without mentioning the specific events, he cannot pass such kind of order, hence the said order has to be quashed. Accordingly, the same is quashed.

6.Since the petitioner is seeking permission for conducting 'Adal Padal' during night hours, as per the aforesaid decision of the Honourable Supreme Court of India, he cannot be permitted to use a loudspeaker or a public address system between 10.00 p.m and 06.00 a.m. Therefore, the second respondent is directed to consider the petitioner's representation and pass appropriate order by keeping in mind the aforesaid decision of the Honourable Supreme Court of India.

7.With the aforesaid observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Thanjavur District.

2.The Sub Inspector of Police,
Naducauvery Police Station, Thanjavur District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER, SR NO.59081

+1CC TO M/S.S.BHARATHI, ADVOCATE, SR NO.58823

W.P.(MD) No.7061 of 2018
(Criminal)