



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.1386 of 2018

and

WMP(MD)No.1467 of 2018

N.Murugan

... Petitioner

-Vs-

1.The Superintendant of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the second respondent which is dated 19.01.2018 and quash the same in so far as it restricts the time limit of conducting celebration up to 10.00 p.m and consequently direct the second respondent to extend time limit of holding our festival till 03.00 a.m on 31.01.2018 in connection with the temple celebration of Arulmigu Sri Ramalingam Swamy Udanurai Sri Sivagami Ammal, Sri Nambi Singa Perumal Thirukovil, Panagudi, Tirunelveli District.

For Petitioner : Mr.R.Anand

For Respondents : Mr.V.Anand
Government Advocate

ORDER

This writ petition has been filed to quash the impugned order passed by the second respondent dated 19.01.2018 in so far as it restricts the time limit of conducting celebration up to 10.00 p.m and consequently direct the second respondent to extend time limit of holding the petitioner's festival till 03.00 a.m on 31.01.2018 in connection with the temple celebration of Arulmigu Sri Ramalingam Swamy Udanurai Sri Sivagami Ammal, Sri Nambi Singa Perumal Thirukovil, Panagudi, Tirunelveli District.



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

3. The learned counsel appearing for the petitioner has submitted that the petitioner has submitted a representation before the second respondent, but the second respondent has not been considered by the petitioner's representation dated 19.01.2018. He further submitted that the second respondent passed an impugned order dated 19.01.2018 and refused to grant permission to the petitioner to conduct Adal Padal programme by stating that in the event of conducting Adal Padal programme, there is a possibility of time limit upto 10.00 p.m. and conducting Sparkling of Crackers i.e., (Vanavedikkai), there is a possibility of permission to concerned authorities.

4. The learned Government Advocate has submitted that the Honourable Supreme Court of India in Church of God (Full Gospel) in India Vs K.K.R. Magestic Colony Welfare Association and Others (supra), has held that a loud speaker or a public address system shall not be used at night between 10.00 p.m to 06.00 a.m and hence, the aforesaid impugned order has been passed.

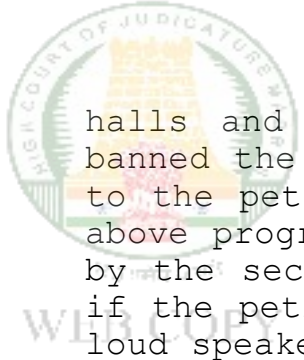
5. The Honourable Supreme Court of India in Church of God (Full Gospel) in India Vs K.K.R. Magestic Colony Welfare Association and Others (supra) has held that rules prescribing reasonable restrictions including the Rules for the use of loud speakers and voice amplifiers framed under the Madras Town Nuisances Act, 1889 and also the Noise Pollution (Regulation and Control) Rules, 2000 are required to be enforced.

6. Since in the aforesaid decision, the Honourable Supreme Court has directed the authorities to enforce Noise Pollution (Regulation and Control) Rules, 2000, it is relevant to refer Rule 5 of the said Rules, which reads thus:-

"5. Restrictions on the use of loudspeakers/public address system:- (1) A loudspeaker or a public address system shall not be used except after obtaining written permission from the authority.

(2) A loudspeaker or a public address system shall not be used at night (between 10.00 p.m to 06.00 a.m) except in closed premises for communication within, e.g. Auditoria, conference rooms, community halls and banquet halls."

7. From the reading of the aforesaid provision, it is clear that a loud speaker or a public address system shall not be used without getting written permission from the authority. It is also clear that a loud speaker or a public address system shall not be used at night between 10.00 p.m to 06.00 a.m except in closed premises for communication within, e.g. auditoria, conference rooms, community



halls and banquet halls. But the second respondent has totally banned the programmes after 10.00 p.m without giving an opportunity to the petitioner to find a place (closed premises) to conduct the above programmes after 10.00 p.m. Hence, the impugned order passed by the second respondent, dated 26.01.2018 is quashed. Therefore, if the petitioner wants to conduct the said programmes by using a loud speaker or a public address system in an open place, he has to finish the said programme before 10.00 p.m or if he wants to extend the said programme beyond 10.00 p.m, then, he can conduct the said programme in the closed premises, after getting necessary permission from the second respondent.

8.However, in this case, considering the paucity of time, the petitioner is directed to choose the place (closed premises) for conducting the said programmes on 31.01.2018 beyond 10.00 p.m and inform the same to the second respondent before 9.30 p.m and thereafter, he can conduct the programme. The second respondent has to give proper protection for the said programme.

9.With the aforesaid observation, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendant of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.R.ANAND, Advocate SR.No.45001.

W.P. (MD) No.1386 of 2018
30.01.2018