



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.1732 of 2018

S.Ganesan

... Petitioner

-Vs-

The Inspector of Police,
Karaiyur Police Station,
Ponnamaravathi Taluk,
Pudukkottai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, call for records pertain to the impugned order vide Na.Ka.No.1/18 dated 26.01.2018 passed by the respondent police and quash the same as illegal and consequently direct the respondent police to grant necessary permission and adequate police protection for conducting the Adal Padal programme on 31.01.2018 at 08.00 p.m to 01.00 a.m at Vaiyapuri Village, Arasamalai Post, Ponnamaravathi Taluk, Pudukkottai District as part of Annual temple festival of Arulmigu Sri Subramania Swamy Thirukovil.

For Petitioner :Mr.T.Indrachithu

For Respondent :Mr.B.Bhagawathi
Government Advocate

ORDER

This writ petition has been filed to quash the impugned order passed by the respondent, dated 26.01.2018 in so far as the restriction of conducting Adal Padal programme on 31.01.2018 and consequently to direct the respondent for celebrating the temple festival on 31.01.2018, as per the petitioner's festival schedule in connection with the temple festival of "Arulmigu Sri Subramania Swamy Thirukovil" at Vaiyapuri Village, Arasamalai Post, Ponnamaravathi Taluk, Pudukkottai District.

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

3.The learned counsel appearing for the petitioner has submitted that the petitioner has submitted a representation before



the respondent, but the respondent has not been considered by the petitioner's representation dated 03.01.2018. Hence, the petitioner has filed W.P.(MD).No.519 of 2018 before this Court. He further submitted that this court, by an order dated 10.01.2018, directed the respondent to consider the representation submitted by the petitioner dated 03.01.2018 and pass appropriate orders on or before 22.01.2018. He further submitted that the respondent passed an impugned order dated 26.01.2018 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 law and order problem in the said village.

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.

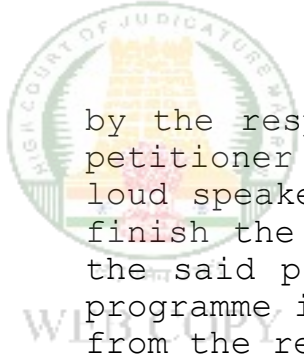
5.The Honourable Supreme Court of India in Church of God (Full Gospel) in India Vs K.K.R.Magestic Colony Welfare Association and Others (supra) has held that rules prescribing reasonable restrictions including the Rules for the use of loud speakers and voice amplifiers framed under the Madras Town Nuisances 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 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 Adal Padal programme after 10.00 p.m. Hence, the impugned order passed



by the respondent, dated 26.01.2018 is quashed. Therefore, if the petitioner wants to conduct the Adal Padal programme 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 respondent.

8.Considering the facts and circumstances of the case, the petitioner is directed to choose a place (closed premises) for conducting the Adal Padal programme on 31.01.2018 beyond 10.00 p.m and submit an application to the respondent on or before 31.01.2018 and on submission of such an application the respondent has to consider the said application and pass appropriate order on or before 31.01.2018.

9.With the aforesaid observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Karaiyur Police Station,
Ponnamaravathi Taluk,
Pudukkottai District.

+1CC to the Special Government Pleader SR.No.45220

W.P.(MD) No.1732 of 2018
30.01.2018

gsp
AM/SKN RSK/SAR 3/31.01.2018/3P/3C