



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.4269 of 2018

Pon Saravanan

... Petitioner

-Vs-

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

2.The Sub-Inspector of Police,
Rayappanpatti Police Station,
Theni 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 relating to the impugned order of the second respondent dated 26.02.2018 and to quash the same and consequently direct the respondents herein to permit the petitioner to perform Panguni Festival in Arulmigu Karumariyamman Temple at Karumaripuram, Kamaya Goundanpatti, Uthamapalayam Taluk, Theni District, scheduled from 27.03.2018 to 29.03.2018 with cultural programme of "Adal Padal" scheduled on 28.03.2018.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.V.Anand

Government Advocate

O R D E R

This writ petition has been filed to call for the records relating to the impugned order of the second respondent dated 26.02.2018 and to quash the same and consequently direct the respondents herein to permit the petitioner to perform Panguni Festival in Arulmigu Karumariyamman Temple at Karumaripuram, Kamaya Goundanpatti, Uthamapalayam Taluk, Theni District, scheduled from 27.03.2018 to 29.03.2018 with cultural programme of "Adal Padal" scheduled on 28.03.2018.

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 in their Village it was decided for perform Panguni Festival in Arulmigu Karumariyamman Temple at Karumaripuram, Kamaya Goundanpatti, Uthamapalayam Taluk, Theni District. He further



submitted that the second respondent has rejected the petitioner's representation by the impugned order dated 26.02.2018 without assigning any valid reason and hence the said impugned order has to be quashed.

4. The learned Additional Government Pleader has submitted that if the permission is granted to the petitioner to perform the Adal Padal that would create law and order problem, hence 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 law and order 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 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 p.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.

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

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni District, Theni.

2. The Sub-Inspector of Police,
Rayappanpatti Police Station,
Theni District.

+1cc to M/S.K.Appadurai, Advocate SR.No. 52390

+1cc to Special Government Pleader, SR.No. 52951

W.P. (MD) No.4269 of 2018