



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

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**THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM**

W.P. (MD) No. 5422 of 2018

A. Raman

... Petitioner

Vs.

1. The Superintendent of police,  
O/o. Superintendent of Police,  
Tirunelveli District.

2. The Deputy Superintendent of Police,  
Ambasamudram Division,  
Tirunelveli District.

3. The Inspector of Police,  
Vikramasingapuram Police Station,  
Tirunelveli District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari and Mandamus, calling the records relating to the proceedings of the second respondent made Na.Ka.No.138/Se.Mu.B/DSP/2018 dated 07.03.2018 and quashing the same and consequently direct the respondents to permit the Petitioner to conduct the "Innisai Kacheri" to be held on 03.04.2018 and 04.04.2018 at 9.00 P.M to 02.00 A.M "Arulmigu Sri Ambihapathi Amman Trukovil" Kodai Vizha festival situated in Ayanthiruvaalisvaram Village, Kakkanallu (PO), Tirunelveli District.

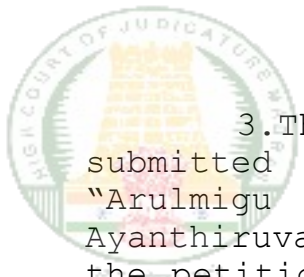
For Petitioner : Mr.N.Mohideen Basha

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

### **O R D E R**

This writ petition has been filed to quash the impugned order passed by the second respondent dated 07.03.2018 and consequently, direct the respondents to give permission to the petitioner to conduct the "Innisai Kacheri" to be held on 03.04.2018 and 04.04.2018 at 9.00 P.M to 02.00 A.M in connection with the 'Kodai Vizha festival' of "Arulmigu Sri Ambihapathi Amman Trukovil" situated in Ayanthiruvaalisvaram Village, Kakkanallu (PO), Tirunelveli District.

2. Heard Mr.N.Mohideen Basha, 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 with a view to celebrate the temple festival of "Arulmigu Sri Ambihapathi Amman Trukovil" situated in Ayanthiruvaalisvaram Village, Kakkanallu (PO), Tirunelveli District, the petitioner gave a representation before the third respondent on 28.02.2018, seeking permission and police protection for conducting "Innisai Kacheri" to be held on 03.04.2018 and 04.04.2018 at 9.00 P.M to 02.00 A.M., but the second respondent has rejected to conduct 'Innisai Katcheri' by his order dated 07.03.2018, without assigning any valid reasons and hence, the learned counsel for the petitioner requested to set aside the impugned order and direct the second respondent to give permission and also police protection for performing the aforesaid programmes.

4.The learned Government Advocate has submitted that the second respondent, after considering the petitioner's request and the ground reality, has rejected the same by the impugned order.

5.The impugned order is perused. In which, the second respondent has stated that since the people belonging to different communities are residing in the aforesaid village, if the petitioner is permitted to perform "Innisai Katcheri" that would create communal problem. He also stated that there is a possibility of affecting traffic and public movements. He further submitted that anticipating a law and order problem, already order has been passed under Section 30(2) of the Police Act. He has also stated that during night hours if the petitioner used loud speakers that would cause inconvenience to the public.

6.The aforesaid reasons are not acceptable. Merely because the people belonging to different communities are residing in the said village, the petitioner cannot be prevented from conducting 'Innisai Katcheri'. Further, it is the duty of the police to regulate the traffic and also the police can impose reasonable restrictions with regard to using loud speakers. Therefore, the impugned order dated 07.03.2018 is set aside and the second respondent is directed to consider the petitioner's representation and pass order by giving opportunity to the petitioner to putforth his case and dispose of the same at early by keeping in mind the decision of the Hon'ble Supreme Court of India in the case of Church of God (Full Gospel) in India Vs. K.K.R, Majestic Colony Welfare Association and Ors, reported in 2001 - 1 - L.W. (Cr1.) 233.

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

Sd/-

Assistant Registrar (AS)

/True copy/



To

1.The Superintendent of police,  
O/o. Superintendent of Police,  
Tirunelveli District.

2.The Deputy Superintendent of Police,  
Ambasamudram Division,  
Tirunelveli District.

3.The Inspector of Police,  
Vikramasingapuram Police Station,  
Tirunelveli District.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1CC TO M/S.N.MOHIDEEN BASHA, ADVOCATE, SR NO.55193

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.556733

W.P. (MD) No.5422 of 2018  
14.03.2018

rmk

**MS/SKN-RSK/SAR-4/16.03.2018/3P.7C**