



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM

**THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM**W.P. (MD) No. 5486 of 2018  
(Criminal)

WEB COPY

Palanivel Rajan

... Petitioner

Vs.

1. The Superintendent of Police,  
Tirunelveli District, Tirunelveli.2. The Assistant Superintendent of Police,  
Seranmahadevi Division,  
Tirunelveli District.3. The Inspector of Police,  
Mukoodal Police Station,  
Tirunelveli

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the rejection order in Na.Ka.No.104/Se.Mu.Aa/U.Ka.K/Serai/2018 of the second respondent dated 05.03.2018 and quash the same and consequently direct the second respondent to grant permission to conduct Cricket Tournament scheduled to be held from 30.03.2018 to 01.04.2018 each day at 04.00 p.m to 06.00 a.m at private party land belongs to Poomaniammal daughter of Poovaiah Nadar bearing Ayon Punja Survey No.914/1, North Ariyanayakipuram Village, opposite to Poojes Matriculation School, Alankulam Main Road, Mukoodal Village, Ambasamuthiram Taluk, Tirunelveli District.

For Petitioner : Mr.R.Ramachandran

For Respondents: Mr.V.Anand,

Government Advocate.

**ORDER**

This petition has been filed by the petitioner to call for the records relating to the rejection order in Na.Ka.No.104/Se.Mu.Aa/U.Ka.K/Serai/2018 of the second respondent dated 05.03.2018 and quash the same and consequently direct the second respondent to grant permission to conduct Cricket Tournament scheduled to be held on from 30.03.2018 to 01.04.2018 each day at 04.00 p.m to 06.00 a.m at private party land belongs to Poomaniammal daughter of Poovaiah Nadar bearing Ayon Punja Survey No.914/1, North Ariyanayakipuram Village, opposite to Poojes Matriculation School, Alankulam Main Road, Mukoodal Village, Ambasamuthiram Taluk, 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 is one of the members of Kamarjar Cricket Kazhagam. The said Kazhagam has decided to conduct a Cricket Tournament at private land belongs to Poomaniammal daughter of Poovaiah Nadar bearing Ayon Punja Survey No.914/1, North Ariyanayakipuram Village, opposite to Poojes Matriculation School, Alankulam Main Road, Mukoodal Village, Ambasamuthiram Taluk, Tirunelveli District. He further submitted that the second respondent has rejected the petitioner's representation by the impugned order dated 05.03.2018 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 'Cricket Tournament' 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 and hence, the petitioner's representation has been rejected.

5. In the impugned order, the second respondent has stated that since communal problems are coming, permission for conducting 'Cricket Tournament' 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 'Cricket Tournament' 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.

Sd/-

Assistant Registrar(CO)

/True copy/



To

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

2.The Assistant Superintendent of Police,  
Seranmahadevi Division,  
Tirunelveli District.

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

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55999

+1CC TO M/S.R.RAMA CHANDRAN, ADVOCATE, SR NO.55528

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cp

**MS/SKN-RSK/SAR-1/26.03.2018/3P.6C**