



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.5614 of 2018

A.Mayakrishnan

... Petitioner

-Vs-

1.The Inspector of Police,  
Rajathani Circle,  
Theni District.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1<sup>st</sup> respondent dated 02.03.2018 and quash the same and consequently directing the respondents herein to grant permission and adequate police protection for conducting cultural event 'Adal Padal' on 28.03.2018 and 29.03.2018 on the eve of 'Arulmigu Sri Jai Kaliyamman Kovil' festival situated at V.Anna Nagar, Vallal Nathi Village, Aundipatty Taluk, Theni District.

For Petitioner : Mr.K.Maharajan

For Respondents : Mr.N.Shanmuga Selvam  
Additional Government Pleader

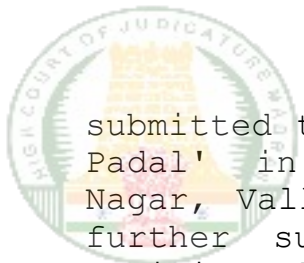
O R D E R

This writ petition has been filed to quash the impugned order passed by the first respondent, dated 02.03.2018 and consequently directing the respondents to grant permission for conducting 'Adal Padal' on 28.03.2018 and 29.03.2018 in the eve of 'Arulmigu Sri Jai Kaliyamman Kovil' at V.Anna Nagar, Vallal Nathi Village, Aundipatty Taluk, Theni District.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner has



submitted that in their Village it was decided for conducting 'Adal Padal' in the eve of 'Arulmigu Sri Jai Kaliyamman Kovil' at V. Anna Nagar, Vallal Nathi Village, Aundipatty Taluk, Theni District. He further submitted that the first respondent has rejected the petitioner's representation by the impugned order dated 02.03.2018 without assigning any valid reason and hence the said impugned order has to be quashed.

4. The learned Additional Government Pleader has submitted that 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 'Adal Padal' through 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 first respondent has stated that since communal 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 has to be 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 a.m. Therefore, the first 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(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police, Rajathani Circle, Theni District.
2. The Sub-Inspector of Police, Kandamanur Police Station, Theni District.

+1CC to Mr.K.Maharajan, Advocate, SR.No. 55904

+1CC to the Special Government Pleader SR.No.56267

W.P. (MD) No.5614 of 2018