



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.03.2018

CORAM
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

WEB COPY

W.P. (MD) No.5743 of 2018
and
W.M.P (MD) No.5626 of 2018

S.Ganesan ... Petitioner

-Vs-

1.The Superintendent of Police,
Madurai District.

2.The Sub-Inspector of Police,
Solavandan Police Station,
Madurai 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 pertaining to the impugned order passed by the second respondent dated 06.03.2018 and quash the same and consequently direct the respondents to grant permission to perform the cultural program of "Adal Padal" programme on 29.03.2018 night at about 08.00 pm to 11.00 pm at Arulmigu Maha Sri Kalamman Thirukovil performing by the "Abinaya Kalai Kuzhu" in connection with Panguni festival is situated at Thiruvedagam, Vadipatti Taluk, Madurai District and to provide adequate police protection based on the petitioner's representation dated 06.03.2018.

For Petitioner :Mr.R.Karthic Rajan
For Respondents :Mr.B.Bhagawathi
Government Advocate

O R D E R

This writ petition has been filed by the petitioner to call for the records pertaining to the impugned order passed by the second respondent dated 06.03.2018 and quash the same and consequently direct the respondents to grant permission to perform the cultural program of "Adal Padal" programme on 29.03.2018 night at about 08.00 pm to 11.00 pm at Arulmigu Maha Sri Kalamman Thirukovil performing by the "Abinaya Kalai Kuzhu" in connection with Panguni festival is situated at Thiruvedagam, Vadipatti Taluk, Madurai District and to provide adequate police protection based on the petitioner's representation dated 06.03.2018.



appearing for the respondents.

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 Maha Sri Kaliyamman Thirukovil' at Thiruvedagam, Vadipatti Taluk, Madurai District. He further submitted that the second respondent has rejected the petitioner's representation by the impugned order dated 06.03.2018 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 '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 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. Accordingly, the same 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 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. Consequently, connected miscellaneous petition is closed.

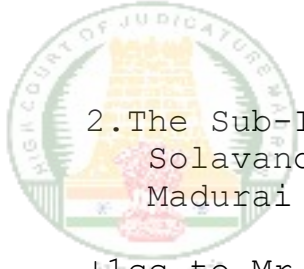
Sd/
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Madurai District.



2.The Sub-Inspector of Police,
Solavandan Police Station,
Madurai District.

+1cc to Mr.R.KARTHIC RAJAN, Advocate, SR.No. 56138

+1cc to M/s.Special Government Pleader,SR.No.56846

W.P. (MD) No.5743 of 2018
19.03.2018

CP
KK/RSK/21.03.2018/SAR-4/3P-5C