



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.5877 of 2018

and

W.M.P (MD) No.5752 of 2018

K.Narayanan

... Petitioner

-Vs-

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

2.The Inspector of Police,
Vikkiramasingapuram Police Station,
Tirunelveli District.

... Respondent

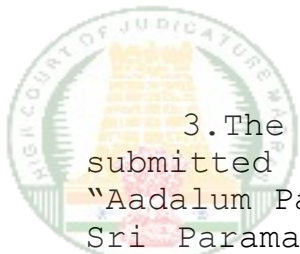
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.153/Se.Mu.Aa/Ka.Thu.Ka/2018 dated 14.03.2018 with regard to restricting the time upto 10.00pm., alone and consequently direct the respondents to grant permission to conduct the Adal Padal programme and cultural programme upto 01.00pm., on 05.04.2018 and 06.04.2018 near Sri Paramasakthi Sri Palavesakkara Swamy Temple, Adaiyakarungulam, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.R.J.karthick
For Respondent : Mr.B.Bhagawathi
Government Advocate

O R D E R

This writ petition has been filed to quash the impugned order in Na.Ka.No.153/Se.Mu.Aa/Ka.Thu.Ka/2018 passed by the 1st respondent, dated 14.03.2018 with regard to restricting the time up to 10.00pm., alone and consequently direct the respondents to grant permission for conducting Adal Padal programme and cultural programme upto 01.00pm., on 05.04.2018 and 06.04.2018 near Sri Paramasakthi Sri Palavesakkara Swamy Temple, Adaiyakarungulam, Ambasamudram 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 in their Village it was decided for conducting "Aadalum Paadalum" Dance Programme on 05.04.2018 and 06.04.2018 near Sri Paramasakthi Sri Palavesakkara Swamy Temple, Adaiyakarungulam, Ambasamudram Taluk, Tirunelveli District. He further submitted that the 1st respondent while granting permission, by the impugned order, for conducting 'Adal Padal' programme, restricted the time up to 10.00pm. He further submitted that the festival will extent up to 01.00am and hence the impugned order with regard to restricting the time has to be quashed.

4.The learned Government Advocate has submitted that since the petitioner is seeking permission for conducting 'Adal Padal' programme 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 request was considered and passed order restricting permission upto 10.00pm.

5.The learned counsel for the petitioner by way of reply has submitted that in the aforesaid decision, the Hon'ble Supreme Court has held that the loud speakers and public address system should not be used between 10.00pm and 06.00am only in open space and that there is no restriction for using the loud speakers in a closed Auditorium, room, etc and hence the 1st respondent may be directed to grant permission for conducting programme in a closed premises after 10.00pm.

6.In the representation submitted by the petitioner and also in the affidavit, which is filed in support of the present writ petition, the petitioner has not stated that he will conduct programme in a closed premises even after 10.00pm. Therefore the impugned order need not be quashed.

7.If the petitioner wants to conduct programme in a closed premises, even after 10.00pm., he has to submit a fresh representation mentioning the closed premises. On submission of such representation, the 1st respondent has to consider the same and pass appropriate order in the light of the aforesaid decision by the Hon'ble Supreme Court.

8.With the aforesaid observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar



To

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

2.The Inspector of Police,
Vikkiramasingapuram Police Station,
Tirunelveli District.

+1cc to M/S.R.J.karthick, Advocate SR.No. 58338

W.P. (MD) No.5877 of 2018
27.03.2018

das

JM/SKN RSK/SAR 1/28.03.2018/3P/4C