



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.5925 of 2018

P.Thangapandi

... Petitioner

-Vs-

The Inspector of Police,
Sempatti Police Station,
Sempatti,
Dindigul District.

... Respondent

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 dated 17.03.2018 passed by the respondent and quash the same as illegal and consequently, direct the respondent to grant necessary permission and provide police protection for conducting Adal Padal Programme schedule to be held on 21.03.2018 at Arulmigu Muthumariamman and Pagavathi Amman Kovil Temple situate at Narasingapuram, Sithayankottai, Dindigul District.

For Petitioner : MrS.Vellaichamy

For Respondent : Mrs.Bhagawathi
Government Advocate

O R D E R

This writ petition has been filed to quash the impugned order passed by the respondent, dated 17.03.2018 and consequently directing the respondents to grant permission for conducting 'Adal Padal' on 21.03.2018 in the eve of Arulmigu Muthumariamman and Pagavathi Amman Kovil Temple situated at Narasingapuram, Sithayankottai, Dindigul District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

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 Muthumariamman and Pagavathi Amman Kovil Temple' at Narasingapuram, Sithayankottai, Dindigul District. He further submitted that the respondent has rejected the petitioner's representation by the impugned order dated 17.03.2018 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 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 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 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/

Sub Assistant Registrar

To

The Inspector of Police,
Sempatti Police Station,
Sempatti,
Dindigul District.

+1cc to Mr.S.VELLAICHAMY, Advocate, SR.No.56439

W.P. (MD) No.5925 of 2018
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