



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.6286 of 2018

V.M.R.Selvendran

... Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Periyakulam Sub-division,
Theni District.

2.The Inspector of Police,
Devathanapatti Police Station,
Theni District.

3.The Sub-Inspector of Police,
Devathanapatti Police Station,
Theni District.

... Respondents

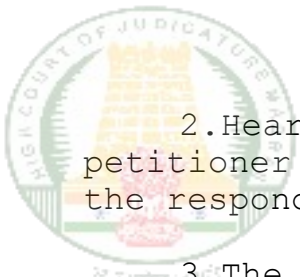
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus calling for the entire records connected with the impugned refused order dated 19.03.2018 passed by the third respondent and quash the same as illegal consequently directing the respondents to grant permission and provide adequate police protection to conduct Adalum Padalum cultural program on 31.03.2013 as part of Arulmigu Kaliyamman Temple at D.Kamakkapatti, Devathanapatti, Periyakulam Post, Theni District.

For Petitioner : Mr.I.Sabeer Mohamed

For Respondents : Mr.V.Anand
Government Advocate

O R D E R

This writ petition has been filed to quash the impugned order passed by the third respondent, dated 19.03.2018 and consequently directing the respondents to grant permission and provide adequate police protection to conduct Adalum Padalum cultural program on 31.03.2013 as part of Arulmigu Kaliyamman Temple at D.Kamakkapatti, Devathanapatti, Periyakulam Post, Theni District.



2. Heard Mr. I. Sabeer Mohamed, learned counsel appearing for the petitioner and V. Anand, 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 'Adalum Padalum' in the eve of 'Arulmigu Kaliyamman Temple' at D. Kamakkapatti, Devathanapatti, Periyakulam Post, Theni District. He further submitted that the third respondent has rejected the petitioner's representation by the impugned order dated 19.03.2018 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 third respondent. He further submitted that since the petitioner is seeking permission for conducting 'Adalum Padalum' 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 third respondent has stated that since communal problems are coming, permission for conducting 'Adalum Padalum' 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 'Adalum Padalum' 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 third 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 and the impugned order passed by the third respondent is set aside. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,

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

Office of the Deputy Superintendent of Police,
Periyakulam Sub-division, Theni District.



2.The Inspector of Police,
Devathanapatti Police Station,
Theni District.

3.The Sub-Inspector of Police,
Devathanapatti Police Station, Theni District.

+1CC TO M/S.ISABEER MOHAMED, ADVOCATE, SR NO.57453

W.P. (MD) No.6286 of 2018
23.03.2018

Ls

MS/SKN-RSK/SAR-1/26.03.2018/3P.5C