



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM

THE HON'BLE MR.JUSTICE P. RAJAMANICKAM

W.P. (MD) No.6310 of 2018

and

W.M.P. (MD) No.6160 of 2018

A.Kasimayan

... Petitioner

-Vs-

1.The Superintendent of Police,
Theni District, Theni.

2.The Sub-Inspector of Police,
Bodi Taluk 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 pertaining to the rejection order of the second respondent dated 21.03.2018 and quash the same and consequently direct the respondents to grant permission and protection for Adal Padal program perform by "Muthalamman Adal Padal" scheduled to be held on 28.03.2018 in connection with "Thiruvizha" at Arulmigu Sri Kalamman Thirukovil at B.Anaikkaraipatti Village, Bodi Taluk, Theni District by considering the petitioner's representation dated 21.03.2018.

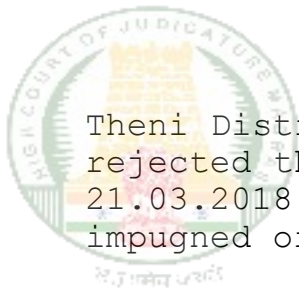
For Petitioner : Mr.R.Karthic Rajan
For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

O R D E R

This writ petition has been filed to quash the impugned order passed by the second respondent, dated 21.03.2018 and consequently direct the respondents to grant permission and protection for Adal Padal program perform by "Muthalamman Adal Padal" scheduled to be held on 28.03.2018 in connection with "Thiruvizha" at Arulmigu Sri Kalamman Thirukovil at B.Anaikkaraipatti Village, Bodi Taluk, Theni District by considering the petitioner's representation dated 21.03.2018.

2.Heard Mr.R.Karthic Rajan, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner has submitted that in their Village it was decided for conducting "Muthalamman Adal Padal" in the eve of "Thiruvizha" at Arulmigu Sri Kalamman Thirukovil at B.Anaikkaraipatti Village, Bodi Taluk,



Theni District. He further submitted that the second respondent has rejected the petitioner's representation by the impugned order dated 21.03.2018 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 "Muthalamman 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 second respondent has stated that since communal problems are coming, permission for conducting "Muthalamman 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 '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 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 and the impugned order dated 21.03.2018 passed by the second respondent is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni District, Theni.

2. The Sub-Inspector of Police,

Bodi Taluk Police Station, Theni District.

+1CC TO M/S.R.KARTHIC RAJAN, ADVOCATE, SR NO.57485

W.P. (MD) No.6310 of 2018

23.03.2018