



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.6618 of 2018

and

W.M.P(MD)No.6405 of 2018

C.Subburaj

... Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

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

... Respondents

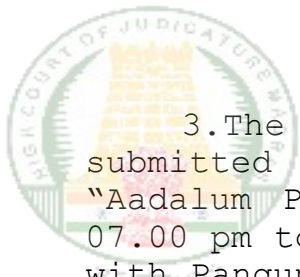
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.05/pothu/U.Ko.A-pa/18 dated 21.03.2018 and quash the same and consequently direct the respondents to grant permission to perform the cultural programme of "Adal Padal" programme on 06.04.2018 night at about 07.00 pm to 11.00pm at Arulmigu Muthalamman Thirukovil in connection with Panguni festival is situated at Tenkarai Village, T.Kallipatti, Periyakulam Taluk, Theni District and to provide adequate police protection based on the petitioner's representation dated 21.03.2018.

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

O R D E R

This writ petition has been filed to quash the impugned order passed by the 1st respondent, dated 21.03.2018 and consequently direct the respondents to grant permission to perform the cultural programme of "Adal Padal" programme on 06.04.2018 night at about 07.00 pm to 11.00pm at Arulmigu Muthalamman Thirukovil in connection with Panguni festival is situated at Tenkarai Village, T.Kallipatti, Periyakulam Taluk, Theni 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 06.04.2018 night at about 07.00 pm to 11.00pm at Arulmigu Muthalamman Thirukovil in connection with Panguni festival is situated at Tenkarai Village, T.Kallipatti, Periyakulam Taluk, Theni District. He further submitted that the 1st 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 Government Advocate has submitted that since the communal problems are coming, the petitioner's representation has been rejected by the first respondent. He further submitted that since the petitioner is seeking permission for conducting '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.Majestic 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.

5.In the impugned order, the respondent has stated that since people belonging to different communities are residing, if permission is granted to the petitioner for conducting 'Adal Padal' that would create communal problem as well as the law and order problem. The said reason is not acceptable. The respondent has not cited any specific event for rejecting the petitioner's representation. Hence, the impugned order is set aside. The 2nd respondent is directed to consider the representation submitted by the petitioner, dated 21.03.2018 and dispose of the same at early. At the time of passing order, the respondent has to keep in mind the decision of the Hon'ble Supreme Court of India in the case of Church of God (Full Gospel) in India Vs. K.K.R, Majestic Colony Welfare Association and Ors, reported in 2001 - 1 - L.W. (Crl.) 233.

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

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



+1cc to M/S.R.Karthic Rajan, Advocate SR.No. 58207
+1cc to Special Government Pleader, SR.No. 59254

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W.P. (MD) No.6618 of 2018
27.03.2018

das

JM/SV MMS/SAR 1/03.04.2018/3P/5C