



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

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WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAMW.P.(MD) No.6619 of 2018

S.Subbiah

... Petitioner

-Vs-

The Sub-Inspector of Police,
Devathanapatti Police Station,
Devathanapatti, Theni 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 of rejection dated 16.03.2018 issued by the respondent and quash the same and consequently, directing the respondent to grant permission and to provide police protection to conduct the "Aadalum Paadalum" Dance Programme on 28.03.2018 in pursuant to the 41st Urchava Festival of Arulmigu Sree kalamman Thirukovil, situated at Silvarpatti Village, Periyakulam Taluk, Theni District.

For Petitioner : Mr.D.Rameshkumar

For Respondent : 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 respondent, dated 16.03.2018 and consequently directing the respondent to grant permission for conducting "Aadalum Paadalum" Dance Programme on 28.03.2018 in pursuant to the 41st Urchava Festival of Arulmigu Sree kalamman Thirukovil, situated at Silvarpatti Village, Periyakulam Taluk, Theni District.

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

3.The learned counsel appearing for the petitioner has submitted that in their Village it was decided for conducting "Aadalum Paadalum" Dance Programme on 28.03.2018 in pursuant to the 41st Urchava Festival of Arulmigu Sree kalamman Thirukovil, situated at Silvarpatti Village, Periyakulam Taluk, Theni District. He further submitted that the respondent has rejected the petitioner's



representation by the impugned order dated 16.03.2018 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 '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 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 is not cited any specific event for rejecting the petitioner's representation. Hence, the impugned order is set aside. The respondent is directed to consider the representation submitted by the petitioner, dated 16.03.2018 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.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

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

+1CC TO M/S.D.RAMESH KUMAR, ADVOCATE, SR NO.58371

W.P. (MD) No.6619 of 2018
27.03.2018

das

MS/SKN-RSK/SAR-1/27.03.2018/2P.3C