



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.03.2018

CORAM
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

WEB COPY

W.P. (MD) No.6999 of 2018
and
W.M.P. (MD) No.6686 of 2018
(Criminal)

Mathiyalagan

... Petitioner

-Vs-

1.The Superintendent of Police,
Thanjavur District.

2.The Sub Inspector of Police,
Naducauvery Police Station,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in dated 24.03.2018 and quash the same and consequently direct the respondents to grant permission to permit the cultural program of "Adal Padal" programme on 28.03.2018 night at about 07.00 p.m., to 12.00 p.m., at Arulmigu Sri Mariamman Thirukovil in connection with Panguni festival is situated at Melatheru, Veerasingampettai, Thirvaiyaru Taluk, Thanjavur District and to provide adequate police protection based on petitioner's representation dated 24.03.2018.

For Petitioner : Mr.S.Bharathi

For Respondents : Mr.N.Shanmuga Selvam,
Additional Government Pleader.

O R D E R

This writ petition has been filed by the petitioner to call for the records pertaining to the impugned order passed by the second respondent in dated 24.03.2018 and quash the same and consequently direct the respondents to grant permission to permit the cultural program of "Adal Padal" programme on 28.03.2018 night at about 07.00 p.m., to 12.00 p.m., at Arulmigu Sri Mariamman Thirukovil in connection with Panguni festival is situated at Melatheru, Veerasingampettai, Thirvaiyaru Taluk, Thanjavur District and to provide adequate police protection based on petitioner's representation dated 24.03.2018.

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2.Heard Mr.S.Bharathi, 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 'Adal Padal' in the eve of "Panguni festival" of Arulmigu Sri Mariamman Thirukovil at Melatheru, Veerasingampettai, Thirvaiyaru Taluk, Thanjavur District. He further submitted that the second respondent has rejected the petitioner's representation by the impugned order dated 24.03.2018 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 there is a possibility of law and order problem, 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' 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 second respondent has stated that since there is a possibility of law and order problem, 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 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. No costs. consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>
1.The Superintendent of Police,
Thanjavur District.



2.The Sub Inspector of Police,
Naducauvery Police Station,
Thanjavur District.

+1cc to Mr.S.Bharathi, Advocate, SR.No. 58821

+1cc to M/s.Special Government Pleader,SR.No. 59077

W.P. (MD) No.6999 of 2018
and

W.M.P. (MD)No.6686 of 2018
(Criminal)
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