



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2018

CORAM:

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.8560 of 2018

R.Sankarapandian,
S/o.P.S.Ramaiah,
Dharmakartha of Arulmigu Muppudathi,
Santhanamari and Uchimahali Ambal Thirukovil,
Prancheri Village, Cheranmahadevi Taluk,
Tirunelveli District - 627 451.

: Petitioner

Vs.

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

2.The Assistant Superintendent of Police,
Cheranmahadevi Sub Division,
Tirunelveli District.

3.The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order dated 08.04.2018 passed by the second respondent in his proceedings in Na.Ka.No.123/Se. Mu. Aa/U. Kaa. Ka / Cherai / 2018 and quash the same in respect of rejection to conduct Orchestra on 02.05.2018 in petitioner's Temple festival and consequently direct the respondent police to grant permission and protection to the petitioner to conduct Orchestra on 02.05.2018 in the festival of Arulmigu Muppudathi, Santhanamari and Uchimahali Ambal Thirukovil, Pirancheri Village, Cheranmahadevi Taluk, Tirunelveli District.

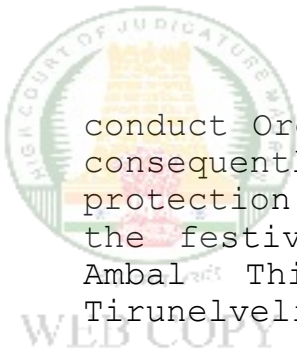
For Petitioner : Mr.J.Parekhkumar

For Respondents : Mr.P.Kannidevan

Additional Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition seeking a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order dated 08.04.2018 passed by the second respondent in his proceedings in Na.Ka.No.123/Se. Mu. Aa/U. Kaa. Ka / Cherai / 2018 and quash the same in respect of rejection to



conduct Orchestra on 02.05.2018 in petitioner's Temple festival and consequently direct the respondent police to grant permission and protection to the petitioner to conduct Orchestra on 02.05.2018 in the festival of Arulmigu Muppudathi, Santhanamari and Uchimahali Ambal Thirukovil, Pirancheri Village, Cheranmahadevi Taluk, Tirunelveli District.

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

3. According to the petitioner, the petitioner made a representation to the respondents on 05.04.2018. The respondent has considered the said representation to grant permission to conduct the program, but refused to grant permission to conduct "Innisai Katcheri" on 02.05.2018 in his proceedings in Na.Ka.No.123/Se. Mu. Aa/U. Kaa. Ka / Cherai / 2018 on 08.04.2018. Challenging the above said rejection order, which is impugned in this petition, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that the petitioner will abide by the reasonable conditions imposed by the authority to conduct "Innisai Katcheri" on 02.05.2018. Further, it is assured by the petitioner that only Innisai Katcheri will be performed. No other programme has been performed in the said Innisai Katcheri. Therefore, the request of the petitioner is arbitrary and in violation of principles of natural justice.

5. The learned Additional Government Pleader would submit that so far as the petitioner is concerned, if they are conducting Innisai Katcheri, there will be a nuisance to the public and locality by using loud speakers, which is contrary to the decision of the Hon'ble Supreme Court in (2001) 1 L.W. (Crl.) 233 [Church of God (Full Gospel) in India Vs. K.K.R.Majestic Colony Welfare Association and others].

6. Taking into consideration of the aforesaid submissions made by the learned counsel as well as the learned Additional Government Pleader and on perusal of the impugned order passed by the second respondent, the petitioner has been granted permission to conduct temple festival but, the rejection is only for conducting Innisai Katcheri. It is categorically stated before this Court that the petitioner will abide by the conditions imposed by the respondent to conduct Innisai katcheri. Further, no case has been registered against the petitioner by violating any of the conditions imposed for conducting the programme. Hence, the impugned order passed by the second respondent in Na.Ka.No.123/Se. Mu. Aa/U. Kaa. Ka / Cherai / 2018 on 08.04.2018 is quashed and the second respondent is directed to consider the petitioner's request afresh, giving sufficient opportunity to give further materials as well as undertaking affidavit before the respondent police and pass orders on merits and in accordance with law, on or before 28.04.2018.



7. With the above directions, this Writ Petition is allowed.
No costs.

Sd/-
Assistant Registrar (T&P)

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Sub Assistant Registrar

To

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

2. The Assistant Superintendent of Police,
Cheranmahadevi Sub Division,
Tirunelveli District.

3. The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.

+1CC to Mr. J. Parekh Kumar, Advocate, SR.No. 63248

W.P. (MD) No. 8560 of 2018
24.04.2018

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AM/SV MMS/SAR 3/25.04.2018/3P/5C