



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.21868 of 2018

and

W.M.P. (MD) No.19803 of 2018

M.Chidambaram

... Petitioner

Vs.

1.The Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.

2.The Sub Inspector of Police,
Palavoor Police Station,
Palavoor, Tirunelveli District.

... Respondents

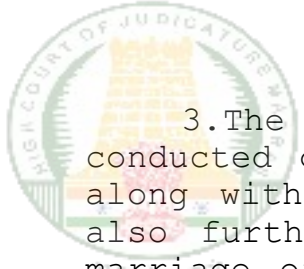
PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the impugned order passed by the second respondent and quash the same as devoid of merits and consequently, direct the respondents to grant permissions as well as police protection for celebrating Thirukalyana Suba Mugurtham (Marriage Celebration Festivals) to Sri Arulmigu Narumbu Natha Swamy and Sri Avudaiammal at Palavoor Village, Tirunelveli District on 04.11.2018 with playing of Shendamelam during the visit of deities in the car street in the said village on the said date in between 10.00 pm to 01.00 am on the next day.

For Petitioner : Mr.S.Palani Velayutham
For Respondents : Mr.B.Bhagawathi,
Government Advocate.

ORDER

This writ petition has been filed, challenging the order of rejection passed by the second respondent, refusing to grant permission to the petitioner to celebrate the festival scheduled to be held on 04.11.2018.

2.The learned counsel appearing for the petitioner would submit that permission was rejected by the second respondent only on the ground that the Shendamelam is being used during the festival, which causes noise pollution in the locality and that the function goes beyond 10.00 PM upto 01.00 AM in the night.



3.The learned counsel further submits that this festival is conducted once in a year and it is a tradition to use Shendamelam along with other musical instruments. The learned counsel would also further submit that since it is a festival, concerning the marriage of Lord Shiva, there is no possibility of anyone getting drunk and causing disturbance during the festival. Therefore, the learned counsel would submit that the grounds that have been stated in the impugned order are unsustainable and permission has to be granted by the second respondent by imposing reasonable conditions.

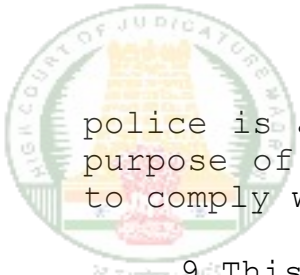
4.The learned Government Advocate appearing for the respondents, on instructions, would submit that the police will not be able to give permission upto midnight and the learned Government Advocate would further submit that the use of Shendamelam causes lot of noise, leading to disturbance in and around locality.

5.This Court has considered the submissions made on either side.

6.It is seen from the records that the petitioner wants to celebrate Thirukalyana Suba Mugurtham (Marriage Celebration Festivals) to Sri Arulmigu Narumbu Natha Swamy and Sri Avudaiammal at Palavoor Village, Tirunelveli District. This festival has been traditionally celebrated at Palavoor Village. Therefore, permission has been sought for celebrating this festival. The second respondent has rejected permission on the ground that the festival is attempted to be celebrated upto midnight and that noise pollution will be caused by using Shendamelam.

7.The traditional festivals that are conducted in the village should not be stopped, unless there are very strong reasons for the police to reject the permission. In this case, it is seen that the playing of Shendamelam also forms part of the celebration. Therefore, the permission cannot be denied only on the ground that the said instrument is being used during the festival. At the time of conducting festival, it must be ensured that the general public are not put to any hardship. It must also be ensured that in the name of conducting festival, certain persons do not indulge in drinking and involve themselves in unwanted activities.

8.In the facts and circumstances of the case, the impugned order passed by the second respondent is hereby quashed. The second respondent is directed to grant permission to the petitioner to conduct the festival on 04.11.2018 between 09.30 PM to 11.00 PM. The petitioner shall ensure that the festival is conducted peacefully without giving raise to any law and order problem. Since the petitioner has approached this Court, stating that it is a festival, where the marriage of Lord Shiva is performed, there should be no room for any persons to indulge in drinking of liquor and causing unwanted problems during the festival. It is the responsibility of the petitioner to ensure that these untoward things do not happen during the festival. The second respondent



police is also entitled to impose any reasonable conditions for the purpose of conducting the festival and the petitioner is duty bound to comply with the same.

9. This Writ Petition is allowed, with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.

2. The Sub Inspector of Police,
Palavoor Police Station,
Palavoor, Tirunelveli District.

+1CC to Mr. S. Palani Velayutham, Advocate, SR.No.91950

+1CC to the Special Government Pleader SR.No.92248

W.P. (MD) No. 21868 of 2018
25.10.2018

MYR

ES/SKN/SAR 3/30.10.2018/3P/5C