

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.28250 of 2019
and
W.M.P.No.27925 of 2019

GKM Colony Jeyaprakash 36th street
Residential House Owners' Welfare Association,
Represented by its President,
B.Murugesan ...Petitioner

Vs.

1. The Commissioner of Police,
No.132, Police Commissioner Office Buildings,
EVK Sampath Road, Chennai- 600 007.
2. The Commissioner,
Corporation of Chennai, Rippon Buildings,
Chennai- 600 003.
3. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uttramar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai- 600 034.
4. The Inspector of Police,
V-6, Kolathur Police Station,
Kolathur, Chennai.
5. R.R.Religious Trust,
represented by its Managing Trustee,
T.R.Velumani, ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents, especially the 1st and 4th respondents to initiate appropriate Criminal Action against the 5th respondent and his Associates on the petitioners complaint dated 07.09.2019 and consequently restraining the 5th respondent in conducting Cultural Programmes, Using Speaker-sets with high decibel sound, Erecting Stages, Stalls covering common area or in and around 36th street, G.K.M.Colony, Chennai-600 082, Organizing Crowd

from outside on the guise of Navaratri Season at his private temple put up in the ground floor of 36th Street, G.K.M.Colony, Chennai- 600 082 in September and October 2019 and also in the successive years.

For Petitioner : Mr.A.Amalraj

For R1, R2 and R4 : Mr.C.Iyyapparaj
Additional Public Prosecutor

For R3 : Mr.M.Maharaja
Special Government Pleader (HR&CE)

For R5 : Mr.K.Sridhar

O R D E R

The petitioner has filed the writ petition alleging that the cultural programs organised by the fifth respondent creates noise pollution causing disturbance to the inmates of the association.

2.It is seen that the temple function is being attended by various sections of the public. In this connection when the petitioner had given a complaint to the fourth respondent, they had taken further action on the same and had regulated the conduct of the festival.

3.As per the statements of the fourth respondent, they had also issued a notice to the organizers of the function stating that there should not be any traffic congestion in the road, the noise generated through the loud speakers should be within the permissible limits and the entry of the water tankers should have a free ingress and egress. In this manner, the fourth respondent police claim that they have regulated the conduct of the festival and therefore there is no disturbance now to the petitioners.

4.While that being so, it would not be appropriate to order the writ petition by considering the prayer sought for by the petitioner. In view of the action taken by the fourth respondent and recording the statement made, this writ petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

pnn

To

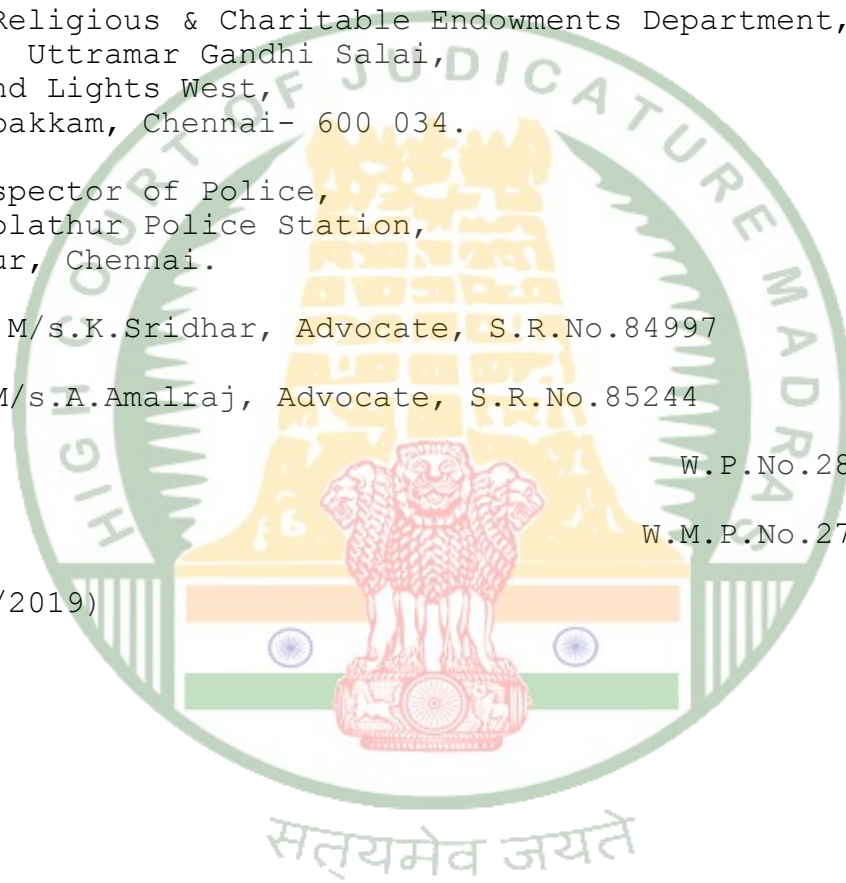
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Kolathur, Chennai.

+2 ccs to M/s.K.Sridhar, Advocate, S.R.No.84997

+1 cc to M/s.A.Amalraj, Advocate, S.R.No.85244

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RSV(CO)
SSM(09/10/2019)



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