



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD)No.5079 of 2022

and

W.M.P (MD)No.4143 of 2022

WEB COPY

Hariharasuthan

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Sankarankovil Sub Division,
Tenkasi District.

2. The Sub Inspector of Police,
Ayyapuram Police Station,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the second respondent, dated 10.03.2022 and quash the same as illegal insofar as refusing to grant permission to conduct musical programme alone and consequently, direct the respondents to grant permission to conduct musical programme in connection with the temple festival on 28.03.2022 to 30.03.2022 from 7 PM to 2 AM in Arulmighu Thanga Mahakaliyamman Temple situated at Ayyapuram Village, Thiruvengadam Taluk, Tenkasi District by using loud speaker as stated in the petitioner's representation, dated 07.03.2022.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.R.M.Anbunithi

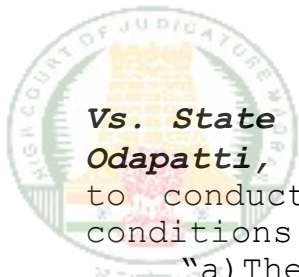
Additional Public Prosecutor (Crl.Side)

ORDER

The prayer in this writ petition is to direct the respondents to grant permission to conduct musical programme in connection with the temple festival on 28.03.2022 to 30.03.2022 from 7 PM to 2 AM in Arulmighu Thanga Mahakaliyamman Temple situated at Ayyapuram Village, Thiruvengadam Taluk, Tenkasi District by using loud speaker as stated in the petitioner's representation, dated 07.03.2022.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the respondents.

3.In an identical matter, a Division Bench of this Court in an order passed in **W.P. (MD) No.8975 of 2017 dated 10.05.2017 [M.Sakthi**



Vs. State rep. by the Inspector of Police, Odapatti Police Station, Odapatti, Theni District], had granted permission to the petitioner to conduct cultural programme on certain conditions. The said conditions read as follows:

"a)The event shall be conducted in an organised and peaceful manner without causing law and order problem.

b)There shall not be any obscene or vulgar scenes during the dance performance by any one of the participants or others.

c)The cultural Program shall be restricted between 8.00 a.m. and 11.00 p.m.

d)If there is any violation of the above said conditions, the respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.

e)In case if there is any discrepancy with regard to the date on which the program is to be conducted, it would be open to the respondent police to extend protection on some other day after giving due notice to the petitioner.

4. This Court is of the view that similar conditions may also be imposed in the present writ petition. Consequently, the Writ Petition Stands allowed. The second respondent is directed to strictly adhere to the Standard Operating Procedure adopted by the Government of Tamil Nadu and grant permission to the writ petitioner to conduct the cultural program from 28.03.2022 to 30.03.2022 between 8.00 am., to 11.00 p.m., in Arulmighu Thanga Mahakaliyamman Temple situated at Ayyapuram Village, Thiruvengadam Taluk, Tenkasi District, subject to the aforesaid conditions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

- 1.The Deputy Superintendent of Police,
Sankarankovil Sub Division,
Tenkasi District.
2. The Sub Inspector of Police,
Ayyapuram Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-13995[F] dated 24/03/2022)

W.P(MD)No.5079 of 2022
23.03.2022

vr(CO)

TR(24.03.2022) 3P 5C