



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P (MD).No. 6079 of 2022

Raguman

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sivagangai.

3.The Sub Inspector of Police,
Mathagupatti Police Station,
Mathagupatti,
Sivagangai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent, dated 28.03.2022 vide his proceedings in Na.Ka.No.24/C2 PS/SVG/2022 quash the same and consequently direct the respondents to grant permission to conduct Aadal Paadal programme during Punguni Theemithi Festival scheduled to be held on 04.04.2022 at about 07.00 pm to be conducted at the Arulmigu Sri Poongodi Malar Mariamman Temple, Keelapoongudi, Sivagangai Taluk and District.

For Petitioner : Mr.R.Ayyanar

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

This Writ Petition has been filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned order passed by the third respondent in Na.Ka.No.24/C2 PS/SVG/2022, dated 28.03.2022 and consequently direct the respondents to grant permission to conduct Aadal Paadal programme during Punguni Theemithi Festival scheduled to be held on 04.04.2022 at about 07.00 pm to be conducted at the Arulmigu Sri Poongodi Malar Mariamman Temple, Keelapoongudi, Sivagangai Taluk and District.

2.By consent, the writ petition itself is taken up for final disposal.

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3.The petitioner averred that he was a member of Festival Committee of Arulmigu Sri Poongodi Malar Mariamman Temple, Keelapoongudi, Sivagangai Taluk, Sivagangai District and the devotees are used to celebrate the Panguni Theemithi festival in the Tamil month of Panguni and also arranged for cultural events viz., "Adal Padal". Hence, the petitioner submitted a representation, dated 25.03.2022, before the third respondent. The third respondent, by impugned order, dated 28.03.2022, rejected the request made by the petitioner. Challenging the same, the petitioner has filed the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5.The learned counsel appearing for the petitioner would submit that this Court repeatedly directs the police officials to grant permission to conduct cultural events and other related programmes with certain conditions. Therefore, he prayed to quash the impugned order passed by the third respondent, dated 28.03.2022 and prayed to grant permission to conduct cultural events on 04.04.2022.

6. The learned Additional Public Prosecutor appearing for the respondents submitted that the request made by the petitioner was rejected on the ground that due to Covid-19 pandemic situation, therefore, this writ petition is liable to be dismissed.

7.It is relevant to rely the order passed by the Division Bench of this Court dated 10.07.2018 made in W.P.(MD)No.14491 of 2018, where, this Court has held as follows:

"3. In M.Velmurugan V. The Superintendent of Police, on 24.01.2018. In passing orders in W.P.(MD) No.13440 of 2017, dated 20.07.2017, this Court had observed as follows:-

"3.We may at the very outset note that the celebrations pertain to Arulmighu Sankaranarayana Swamy Temple, Sankarankovil. It is a very ancient and renowned Temple. It is under the control of the Hindu Religious and Charitable Endowments Department. It is beyond dispute that celebrations in such Temples are customary in nature. It is not as if the writ petitioner is seeking to introduce some new practice. What is being traditionally held and conducted has to be necessarily followed. Therefore, we have no hesitation in allowing the writ petition as prayed for"



It is also relevant to note the notification dated 10.08.2017 in S.O.2555(E) by the Ministry of Environment, Forest and Climate Change, wherein, it has been stated as follows:

"3. In the principal rules, in rule 5, for sub-rule (3), the following shall be substituted namely:-

(3) Notwithstanding anything contained in sub-rule (2), the State Government may subject to such terms and conditions as are necessary to reduce noise pollution, permit use of loud speakers or public address systems and the like during night hours (between 10.00 p.m. to 12.00 midnight) on or during any cultural, religious or festive occasion of a limited duration not exceeding fifteen days in all during a calendar year and the concerned State Government or District Authority in respect of its jurisdiction as authorised by the concerned State Government shall generally specify in advance, the number and particulars of the days on which such exemption should be operative."

Considering the above, this Court passed the following order in W.P. (MD) No.14491 of 2018, which reads as follows:

"7. This Court, taking into consideration the earlier order of this Court and that on earlier occasion, the respondents had not too much to complain of, directs the respondents to grant permission to conduct the "Light Music" and "Patti Mandram" upto 12, mid night, between 17.07.2018 to 28.07.2018. The submission of learned counsel for petitioner that the sound system will be operated within permissible decibel levels is recorded."

8. In furtherance to above, the Division Bench of this Court recently in W.P. (MD) Nos. 17731 of 2018 and etc, batch, dated 10.08.2018, passed the following order:

"2. We are of the view that no public interest is involved in these Writ Petitions. We feel that the need to approach this Court would not have arisen, if only the respondent police considered the request of the petitioners within a reasonable time, i.e., at least two days from the date of receipt of representations. Thus, without expressing any opinion on the merits of the case, we direct the Inspector of Police/Sub-Inspector of Police concerned in all the Writ Petitions to consider and pass appropriate orders on the representations submitted by the petitioners within a period of two days. In the event of granting permission, the respondent police shall always impose any reasonable conditions, as has been imposed in the earlier occasions."



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(f) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(g) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(h) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(i) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

10.Considering the above, the third respondent is directed to strictly adhere to the Standard Operating Procedure adopted by the Government of Tamil Nadu.

11.It is open to respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting up any Flex Boards representing any community.

12.This writ petition is disposed of with the above observations and directions. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

04/04/2022

Sub Assistant Registrar(CS)

lr

To

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

2.The Deputy Superintendent of Police,
Sivagangai.

3.The Sub Inspector of Police,
Mathagupatti Police Station,
Mathagupatti, Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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