



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.04.2022
CORAM

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

WEB COPY

W.P (MD).No. 6686 of 2022

S.Chinnasamy Pandian

... Petitioner

Vs.

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

2. The Sub Inspector of Police,
Vasudevanallur Police Station,
Vadudevanallur,
Tirunelveli 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 in Na.Ka.No.87/CAMP/SDOP/2022, dated 27.03.2022 passed by the 1st respondent and quash the same and consequently, direct the respondents to grant permission and give police protection to us to conduct the "Aadal Padal Programme, Innisai Katcheri and Karagattam" dance program at about 7.00pm from 24.04.2022 to 27.04.2022 in pursuance to the festival of "Arulmigu Sri Mariamman Thirukovil", situated in Vinayagar Kovil Street, Chinthamaniperi Pudur, Sivagiri Taluk, Tenkasi District on considering the Petitioner's representation, dated 25.03.2022.

For Petitioner : Mr.C.Susikumar

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

The prayer in this writ petition is to calling for the records pertaining to the impugned order in Na.Ka.No.87/CAMP/SDOP/2022, dated 27.03.2022 passed by the 1st respondent and quash the same and consequently, direct the respondents to grant permission and give police protection to us to conduct the "Aadal Padal Programme, Innisai Katcheri and Karagattam" dance program at about 7.00pm from 24.04.2022 to 27.04.2022 in pursuance to the festival of "Arulmigu Sri Mariamman Thirukovil", situated in Vinayagar Kovil Street, Chinthamaniperi Pudu, Sivagiri Taluk, Tenkasi District on considering the Petitioner's representation, dated 25.03.2022.



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

3. The petitioner averred that the petitioner is the member of Festival committee and they are celebrating the temple festival for in a very grand manner peacefully. Every year panguni festival is celebrated and they will also arrange for cultural events Hence, the petitioner submitted a representation, dated 25.03.2022, before the second respondent. The first respondent, by impugned order, dated 27.03.2022 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.

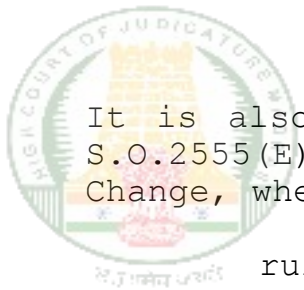
5. The learned counsel appearing for the petitioner would submit that this Court repeatedly directs the police officials to grant permission to conduct cultural events and other related programmes with certain conditions. Therefore, he prayed to quash the impugned order passed by the first respondent, dated 27.03.2022 and prayed to grant permission to conduct cultural events on 24.04.2022 to 27.04.2022.

6. The learned Additional Public Prosecutor appearing for the respondents submitted that the request made by the petitioner was rejected on 27.03.2022, 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



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

<https://hcservices.ecourts.gov.in/hcservices/> in the earlier occasions.



- a) The petitioner is directed to pay a sum of Rs.15,000/-(Rupees Fifteen thousand only) as costs to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.117200110000000070, IFSC Code: IOBA0001172) on or before 10.09.2024.



24.04.2022 and on receipt of the same, the second respondent is directed to strictly adhere to the Standard Operating Procedure adopted by the Government of Tamil Nadu.

b) the cultural programme in connection with a Festival in "Arulmigu Sri Mariamman Thirukovil", situated in Vinayagar Kovil Street, Chinthamaniperi Pudu, Sivagiri Taluk, Tenkasi District scheduled to be held on 24.04.2022 to 27.04.2022 should be completed before 11.00 midnight or within the time permitted by the respondent.

(c) double meaning songs should not be played so as to spoil the minds of students and the youth;

(d) no songs, touching upon any political party or religion, community or caste be played;

(e) no flex boards in support of any political party or religious leader be erected;

(f) the cultural programme should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(g) 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;

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

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

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

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

11. It is open to second respondent 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.



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

Sd/-

Assistant Registrar (CO)

// True Copy //

22/04/2022

Sub Assistant Registrar (CS)

btr/mga

To

1. The Deputy Superintendent of Police,
Pulliyangudi Sub Division,
Tenkasi District.
2. The Sub Inspector of Police,
Vasudevanallur Police Station,
Vadudevanallur,
Tirunelveli District.
3. The Joint Secretary to Government,
CMPRF (Finance Department),
Secretariat Brach,
Chennai-9.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD).No.6686 of 2022

11.04.2022

RK(22/04/2022) 6P 5C