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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP(MD).No.8688 of 2022

A.Ravi ... Petitioner

Vs

1.The Deputy Superintendent of Police,
Periyakulam Sub-Division,
Theni District.

2.The Inspector of Police,
Devathana Patti Police Station,
Theni District. ... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in C.No.07/DVP-PKM/2022 dated 21.04.2022 and quash the same as illegal, consequently, directing the Respondents to grant permission and necessary protection to conduct the 'Adal Padal' programme on 05.05.2022 at 06.00 p.m to 10.30 p.m in connection with "Thiru Vizha" of Arulmigu Sri Ranakaliamman Kovil, Genguvarpatti, Periyakulam Taluk, Theni District.

For Petitioner : Mr.S.Prabhu
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

O R D E R

The prayer in this writ petition is to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in C.No.07/DVP-PKM/2022 dated 21.04.2022 and quash the same as illegal, consequently, directing the Respondents to grant permission and necessary protection to conduct the 'Adal Padal' programme on 05.05.2022 at 06.00 p.m to 10.30 p.m in connection with "Thiru Vizha" of Arulmigu Sri Ranakaliamman Kovil, Genguvarpatti, Periyakulam Taluk, Theni District.

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

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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 ''Chithirai'' month festival is celebrated and they will also arrange for 'Adal Padal' programme. Hence, the petitioner submitted a representation, dated 19.04.2022, before the second respondent. The second respondent, by impugned order, dated 21.04.2022 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 Government Advocate (Crl. Side) 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 second respondent in C.No.07/DVP-PKM/2022 dated 21.04.2022 and prayed to grant permission to conduct cultural events on 05.05.2022.

6. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that the request made by the petitioner was rejected on 21.04.2022, 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 renowed 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"

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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

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of granting permission, the respondent police shall always impose any reasonable conditions, as has been imposed in the earlier occasions.

3. Considering the issue involved, which will be recurring in nature, we direct the Inspector General of Police, South Zone and the Central Zone to issue appropriate directions in this regard to all the police officers concerned coming within their jurisdiction, who would be otherwise dealing with such cases, to take decisions within a period of two days from the date of receipt of representations from the petitioners so that the Courts will not be troubled.

4. It is brought to the notice this Court by Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.A.K.Baskarapandian, learned Special Government Pleader, that the Writ Petitions are being filed, after giving representations in the previous days.

5. We find considerable force in the said submission made by the learned Additional Advocate General. Our directions can never be implemented, if the petitioners rush to this Court on the very next day, after giving representations. Therefore, the persons, who seek permission to conduct cultural programme, are required to give representations at least two weeks before the proposed cultural programmes and thereafter, the directions, as given above, will have to be complied with by the police officer concerned."

9. In view of the above decision rendered by this Court, the impugned order passed by the second respondent cannot be sustained and it is liable to be set aside. Accordingly, the impugned order passed by the second respondent is quashed. Further, considering the above facts and circumstances of the case, the following directions are issued to the second respondent:-

The second respondent is directed to grant permission and to provide adequate police protection for the 'Adal Padal' programme on 05.05.2022 at 06.00 p.m to 10.30 p.m in connection with "Thiru Vizha" of Arulmigu Sri Ranakaliamman Kovil, Genguvarpatti, Periyakulam Taluk, Theni District subject to the following conditions:

a) The petitioner is directed to pay a sum of Rs.5,000/-(Rupees Five thousand only) as costs to the credit of Government of Tamil Nadu, CMPRF in I.O.B, Secretariat Branch, Chennai-9 (Account No.11720

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10000 00070, IFSC Code: IOBA0001172) on or before 04.05.2022 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 'Adal Padal' programme scheduled to be held on on 05.05.2022 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 third 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.

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

Sd/-

Assistant Registrar(CS-I)

// 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,
Periyakulam Sub-Division,
Theni District.

2.The Inspector of Police,
Devathana Patti Police Station,
Theni District.

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

Copy to
The Officer Incharge,
Chief Ministers Public Relief Fund,
Finance(CMPRF) Department, Government of Tamil Nadu,
Secretariat, Chennai 600 009.

+1 CC to M/s.S.PRABHU, Advocate (SR-22839[F] dated 29/04/2022)

ORDER IN
WP(MD).No.8688 of 2022
Date : 29.04.2022

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TR(02.05.2022) 6P 6C

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