



W.P(MD)No.6580 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(6D)No.6580 of 2023

Ganesan. P

... Petitioner

Vs.

1. The Superintendent of Police,
The District Superintendent of Office,
Thanjavur District.

2. The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned rejection order passed by the 2nd respondent in his proceedings Na.Ka.No. 18/Va.Ka.Aa/Oo.Va/2023, dated 16.03.2023 and quash the same and consequently direct the 2nd respondent has grant permission for conducting Kiramiya Esai Nikalchi on 04.04.2023, 7.00 p.m., onwards in connection with the Panguni uthiram festival of Arulmighu Parthiyappar temple situated at Keelavengai Naadu, Orathanadu taluk, Thanjavur



W.P(MD)No.6580 of 2023

district.

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For Petitioner : Mr. Jameel Arasu. B

For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned rejection order passed by the 2nd respondent in his proceedings Na.Ka.No.18/Va.Ka.Aa/Oo.Va/2023, dated 16.03.2023 and quash the same and consequently direct the 2nd respondent has grant permission for conducting Kiramiya Esai Nikalchi on 04.04.2023, 7.00 p.m., onwards in connection with the Panguni uthiram festival of Arulmighu Parthiyappar temple situated at Keelavengai Naadu, Orathanadu taluk, Thanjavur district.

2. Mr.P.Kottai Chamy, learned Government Advocate (Crl. Side) takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.



W.P(MD)No.6580 of 2023

3. The learned counsel appearing for the writ petitioner submitted that festival for the temple, by name, “Arulmighu Parthiyappar temple situated at Keelavengai Naadu, Orathanadu taluk, Thanjavur district”, is going to be held on 04.04.2023. Subsequent to the same, in order to conduct a cultural programme on 04.04.2023, they sought permission of the police by giving a representation dated 13.03.2023. But, the second respondent has considered and rejected the said representation. Challenging the same, the writ petitioner has come before this Court for the above said relief.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that because of the public examination of 10th and 12th standard scheduled to be held in the month of April, using of loud speakers in the above said function, will cause disturbance to the students.

5. I have considered the submission of the learned counsel appearing for the writ petitioner and the learned Additional Public Prosecutor appearing for the respondents.



W.P(MD)No.6580 of 2023

6. In view of the circular issued by the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019, rejection order in Na.Ka.No.15/Alangai.Ka.Ni./2023, dated 07.03.2023, passed by the 2nd respondent is hereby set aside. The writ petitioner is directed to file a fresh representation before the second respondent and on such representation, the second respondent shall consider the same by imposing condition with regard to usage of loud speakers or musical systems, its decibel level extra and pass suitable orders immediately based on the above said circular and the time for conducting the cultural programme may be fixed by the concerned authority, depending upon the situation in the locality.

7. With the above directions, this Writ Petition stands disposed of.

No costs.

29.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/ No

Indu



W.P(MD)No.6580 of 2023

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To

1. The Superintendent of Police,
The District Superintendent of Office,
Thanjavur District.
2. The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.6580 of 2023

G.ILANGO VAN, J

Indu

Order made in
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Dated : 29.03.2023