



W.P.No. 13505 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

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

W.P.No.13505 of 2025

S.Sivakumar

... Petitioner

Vs.

The Inspector of Police,
Valathy Police Station,
Gingee Taluk,
Villupuram District 632 363.

..Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned proceedings in Ka.No.33/ka.a.v.ka.ni/po/2024 dated 28.03.2025 from the file of the respondent quash the same and further direct the respondent to consider the petitioner's representation dated 26.03.2025 for seeking police protection and to grant permission to conduct the cultural programme of Adal Padal on 15.04.2025 at 6.00 pm to 11.00 pm at “Sri Selva Vinayagar Temple” at Madura Vadakollai Neganur Village and post Gingee Taluk Villupuram District.



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For Petitioner : Mr.G.Satheesh

For Respondent : Mr.A.Gopinath,
Government Advocate (crl.side).

ORDER

This Writ Petition has been filed by the petitioner challenging the order of rejection dated 28.03.2025 passed by the respondent, wherein permission to conduct the Aadal Padal programme, scheduled for 15.04.2025, at the “Sri Selva Vinayagar Temple” at Madura Vadakollai Neganur Village and post Gingee Taluk Villupuram District, was refused. The petitioner seeks, by way of this petition, a direction to grant permission for the conduct of the aforementioned programme, along with adequate police protection for its peaceful and orderly execution.

2. The petitioner has averred that he is a member of the festival committee of the aforesaid temple. It is stated that the village has decided to celebrate the temple festival, and the *Sri Selva Vinayagar Temple* has been in existence for several years, and the temple itself having an age of over



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five centuries. The annual festival has been conducted in a grand manner every year for several decades. For the current year, the petitioner intending to hold the *Adal Padal* programme on 15.04.2025. Consequently, the petitioner submitted a representation to the respondent seeking permission to conduct the Aadal Padal programme on the said date. However, the respondent, without properly considering the aforementioned circumstances, rejected the petitioner's request for permission. The rejection was made on the ground that the Aadal Padal programme, if conducted, could potentially lead to a law and order problem. Therefore, the present writ petition has been filed challenging the respondent's decision.

3. The learned counsel appearing for the petitioner would submit that this Court repeatedly directs the police officials to grant permission to conduct Aadal padal programme and other related programmes with certain conditions. Therefore, he prayed to quash the impugned order and prayed to grant permission to conduct Aadal padal programme on 15.04.2025.

4. The learned Government Advocate (crl.side) appearing for the respondent submitted that if the petitioner is allowed to conduct Aadal padal



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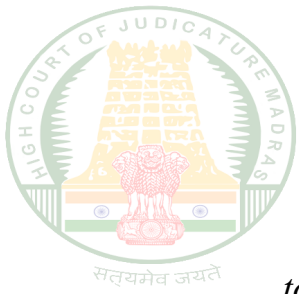
programme, there will be a law and order problem. Therefore, this writ petition is liable to be dismissed.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. 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



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to be necessarily followed. Therefore, we have no hesitation in allowing the writ petition as prayed for”

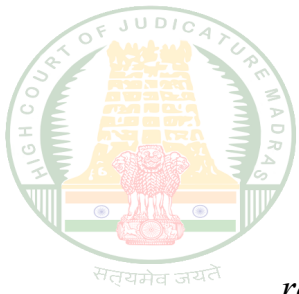
It is also relevant to note the notification dated 10.08.2017 in S.O.2555(E) by the Ministry of Environment, Forest and Climate Change, wherein, it has been stated as follows:

“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



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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.”

7. 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.



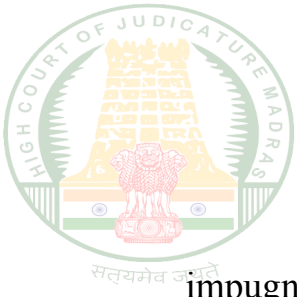
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3. *Considering the issue involved, which will be recurring in nature, we direct the Inspector General of Police, South Zone and the Central Zone to issue appropriate directions in this regard to all the police officers concerned coming within their 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."*

8. In view of the above decision rendered by this Court, the



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impugned order passed by the respondent cannot be sustained and it is liable to be set aside. Accordingly, the impugned order dated 28.03.2025 passed by the respondent is quashed. Further, considering the above facts and circumstances of the case, the following directions are issued to the respondent:-

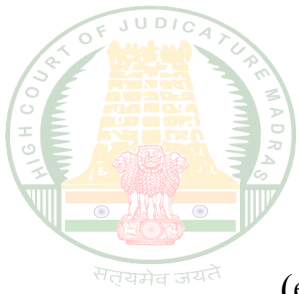
The respondent is directed to grant permission and to provide adequate police protection for the Aadal padal programme to be conducted on 15.04.2025 on the eve of “Sri Selva Vinayagar Temple” at Madura Vadakollai Neganur Village and post Gingee Taluk Villupuram District, subject to the following conditions:

a) the Aadal padal programme in connection with a Festival in “Sri Selva Vinayagar Temple” at Madura Vadakollai Neganur Village and post Gingee Taluk Villupuram District, scheduled to be held on 15.04.2025 should be completed before 11.00 midnight or within the time permitted by the respondent.

(b) The petitioner shall pay a cost of Rs.10,000/- (Rupees Ten Thousand only) to the respondent police towards police protection.

(c) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(d) Double meaning songs should not be played so as to spoil the minds of students and youths.



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(e) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(f) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(g) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(h) If there is 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 forthwith; and

(i) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(j) The respondent is directed to issue necessary permission, incorporating the above conditions.

9. 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 tranquility. There can be a total ban for putting up any Flex Boards representing any community. The uploaded copy can be utilised for the purpose of execution of the Order.

10. This writ petition is allowed with the above observations and directions.



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Speaking/non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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Note: Issue order copy on 15.04.2025

To

1.The Inspector of Police,
Valathy Police Station,

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Gingee Taluk,
Villupuram District 632 363.

2. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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