



W.P.No. 13117 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

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

W.P.No.13117 of 2025

M.Devadoss

... Petitioner

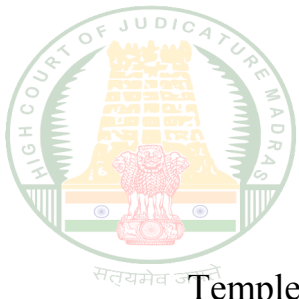
Vs.

1.State rep. by
The Deputy Superintendent of Police,
Thiruvallur,
Thiruvallur District.

2.State rep. by
The Sub Inspector of Police,
B-5, Manavalanagar Police Station,
Thiruvallur District.

..Respondents

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 records of the second respondent dated 06.04.2025 and quash the same and consequently direct the second respondent police to grant permission and police protection to conduct cultural programme (Adal Padal Nigalchi) namely Music Orchestra on 12.04.2025 between 7.00 pm to 11.00 pm and Therukoothu on 13.04.2025 at 11.00 pm in the Ellayamman



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Temple Jathirai Urchavam festival, Kilnallathur Village Thiruvallur Taluk and District, on the basis of the petitioner's representation dated 06.04.2025.

For Petitioner : Mr.V.Manimaran

For Respondents : Mr.R.Vinothraja,
Government Advocate (crl.side).

ORDER

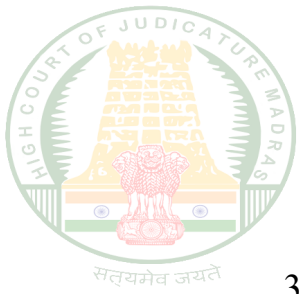
This writ petition has been filed by the petitioner challenging the order of rejection dated 06.04.2025, passed by the second respondent, wherein permission to conduct the cultural programme, namely *Adal Padal Nigalchi* (Music Orchestra) on 12.04.2025 between 7:00 PM and 11:00 PM, and *Therukoothu* on 13.04.2025 at 11:00 PM, as part of the *Ellayamman Temple Jathirai Urchavam Festival* at Kilnallathur Village, Thiruvallur Taluk and District, was refused. The petitioner seeks, by way of this writ petition, a direction to the respondents to grant permission for the conduct of the aforementioned programmes, along with adequate police protection to ensure their peaceful and orderly execution.



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2.The petitioner has averred that he is the former President of the Kilnallathur Village Panchayat. It is stated that every year, the village celebrates the *Sri Ellayamman Temple Jathirai Urchavam Festival* in a grand manner, organizing various cultural events. For the current year, the temple festival is scheduled to take place from 04.04.2025 to 13.04.2025, with the petitioner intending to conduct the *Adal Padal* programme on 12.04.2025, between 7:00 PM and 11:00 PM, and *Therukoothu* on 13.04.2025, at 11:00 PM. Consequently, the petitioner submitted a representation to the second respondent seeking permission to conduct the Aadal Padal programme and Therukoothu on the said date. However, the second 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 and Therukoothu, if conducted, could potentially lead to a law and order problem. Therefore, the present writ petition has been filed challenging the respondent's decision.



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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 12.04.2025 and Therukoothu on 13.04.2025.

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



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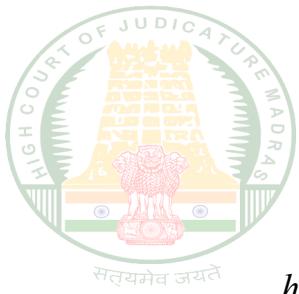
“3. In M.Velmurugan V. The Superintendent of Police, on 24.01.2018. In passing orders in W.P.(MD) No.13440 of 2017, dated 20.07.2017, this Court had observed as follows:-

“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



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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.”

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:



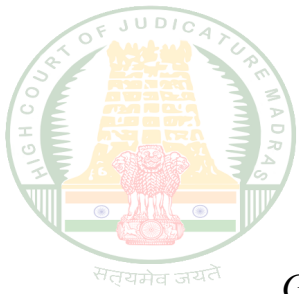
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“2. We are of the view that no public interest is involved in these Writ Petitions. We feel that the need to approach this Court would not have arisen, if only the respondent police considered the request of the petitioners within a reasonable time, 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.

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



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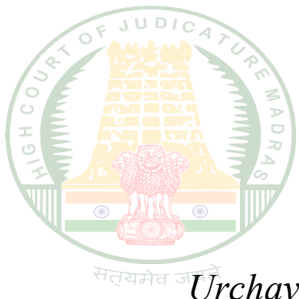
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Government Pleader, that the Writ Petitions are being filed, after giving representations in the previous days.

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 impugned order passed by the second respondent cannot be sustained and it is liable to be set aside. Accordingly, the impugned order dated 06.05.2025 passed by the second respondent is quashed. Further, considering the above facts and circumstances of the case, the following directions are issued to the respondents:-

The second respondent is hereby directed to grant permission for the conduct of the *Adal Padal* programme and *Therukoothu* to be held on 12.04.2025 and 13.04.2025, on the eve of the *Ellayamman Temple Jathirai*



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Urchavam Festival at Kilnallathur Village, Thiruvallur Taluk, and District,

subject to the following conditions:

a) the Aadal padal programme and Therukoothu in connection with a Festival in Ellayamman Temple Jathirai Urchavam festival, Kilnallathur Village Thiruvallur Taluk and District, scheduled to be held on 12.04.2025 and 13.04.2025 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 second 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.

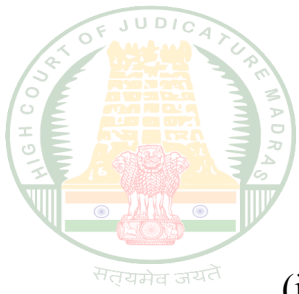
(e) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(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.



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

9. It is open to second 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.

09.04.2025

Speaking/non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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Note: Issue order copy on or before 09.04.2025



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To

1.The Deputy Superintendent of Police,
Thiruvallur,
Thiruvallur District.

2.The Sub Inspector of Police,
B-5, Manavalanagar Police Station,
Thiruvallur District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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