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W.P.Crl. No. 109 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.01.2026

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

W.P.(Crl.) No.109 of 2026
& W.P.M.P. (Crl.) Nos. 25 & 26 of 2026

Sri Mariamman Temple
Rep., by its Dharmakartha
Mr.N.Rajini
S/o Narayanasamy Gounder
Edathanur Village & Post
Thandrampattu Taluk
Tiruvannamalai District

..... Petitioner

Vs.

The Inspector of Police
Thanipadi Police Station,
Thanipadi, Tiruvannamalai District.

..... Respondents

PRAYER: Writ Petition Criminal is filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the respondent police dated 08.01.2026 and quash the same by directing the respondent to give police protection to the Pongal festival to be celebrated by the petitioner temple i.e. Sri Mariamman Temple from 16.01.2026 at 10.00 p.m., to 17.01.2026 at 06.00a.m.

For Petitioner : Mr.S.Ambigapathi

For Respondent : Mr.K.M.D.Muhilan,
Additional Public Prosecutor



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ORDER

This Writ Petition has been filed with the following prayer:

“to call for the records of the impugned order passed by the respondent police dated 08.01.2026 and quash the same by directing the respondent to give police protection to the Pongal festival to be celebrated by the petitioner temple i.e. Sri Mariamman Temple from 16.01.2026 at 10.00 p.m., to 17.01.2026 at 06.00 a.m.”

2. According to the petitioner temple viz., “Sri Mariamman Temple situated at Edathanur Village, Thandrapattu Taluk, Tiruvannamalai District, represented by its Dharmakartha viz., N.Rajini, the said temple comes under the Hindu Religious and Endowment Department and they had proposed to celebrate the Pongal Festival in Sri Mariamman Temple with cultural programme from 10.00 p.m. on 16.01.2026 to 6.00 p.m. on 17.01.2026, with the help of police. Hence, the petitioner made a representation to the respondent on 08.01.2026 seeking permission in this regard and also to grant police protection for the road show of the Sri Mariamman Swamy with Pot dance (கரகாட்டம்). But, the respondent, while granting permission to conduct road show of Sri Mariamman, has refused to grant permission for conducting pot dance on the ground that



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when earlier, an Anjaneyar Temple had conducted a road show on 20.12.2025, there was a wordy quarrel between two communities, which resulted in filing of F.I.Rs. in Cr.Nos.270 and 271 of 2025. But, according to the petitioner, the said Anjayeyar temple is a private temple and it conducted the road show with pot dance without obtaining any prior permission from the respondent police, whereas, the petitioner has been celebrating the Pongal festival every year in a grand and peaceful manner without creating any law and order problem. Hence, the present writ petition has been filed seeking the aforesaid prayer.

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. He would further submit that the petitioner undertakes to conduct road show of Sri Mariamman Swamy along with pot dance in a peaceful manner without causing disturbance to anyone and they are also ready to abide by any condition(s) that may be imposed by the respondent police. Based on these submissions, he prayed for quashment of the impugned order and consequently, to grant police protection for conducting road show of Sri Mariamman Swamy and also pot dance.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that if the petitioner is allowed to conduct the road show of Sri Mariamman swamy along with pot dance, there will be 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. At this juncture, it is pertinent to advert to the order passed by a Division Bench of this Court on 10.07.2018 in W.P.(MD)No.14491 of 2018, wherein, it was 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 prayed for”



7. It is also relevant to allude to 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.”

8. Considering the above, this Court passed an order in W.P.(MD) No.14491 of 2018, the relevant portion of 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.”



9. In furtherance to the above, a Division Bench of this Court, in W.P.(MD)Nos.17731 of 2018 and etc, batch, on 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.

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

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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.“

10. In view of the above decision rendered by this Court, the impugned order passed by the respondent cannot be sustained and it is liable to be set aside. Accordingly, the impugned order dated 08.01.2026 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 shall grant permission to the petitioner to celebrate the Pongal Festival in Sri Mariamman Temple by conducting road show of Sri Mariamman swamy along with pot dance on 16.01.2026 between 6.00 p.m. and 11.00 p.m. or within the time permitted by the respondent, at Edathanur Village, Thandrapattu Taluk, Tiruvannamalai District and also provide adequate police protection subject to the following conditions:



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a) The petitioner shall pay costs of Rs.10,000/~ (Rupees Ten Thousand only) to the respondent police towards police protection and also make caution deposit of Rs.50,000/- which shall be returned to the petitioner after the celebration is over, subject to the petitioner complying with the conditions imposed;

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

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

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

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

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

(g) 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

(h) Similarly, the police is directed to stop the road show and pot dance, if the same are carried out beyond the permitted time limit.



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(i) The respondent shall issue necessary permission, incorporating the above conditions.

11. It is open to the respondent police to impose any further restriction(s) 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 of this order can be utilised for the purpose of execution of the order.

12. This Writ Petition (Criminal) is allowed with the above observations and directions. Consequently, connected miscellaneous petitions are closed. No costs.

12.01.2026

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To

1.The Inspector of Police
Thanipadi Police Station,
Thanipadi, Tiruvannamalai District.

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA J.

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