

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

And

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P(MD)No.14491 of 2018

P.Ramanathan

... Petitioner

vs.

1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Sankarankovil,
Tirunelveli District.

3.The Inspector of Police,
Sankarankovil Town Police Station,
Tirunelveli District.

4.The Executive Officer,
Arulmigu Sankaranarayana Thirukovil,
Sankarankovil,
Tirunelveli Distirct.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Mandamus, directing the

Respondents to grant permission to conduct the “Light Music” and “Patti Mandram” with the assistance of sound service till the completion of Veethi Ula of Arulmigu Sankaranarayna Swamy, Sankarankovil, Tirunelveli District from 17.07.2018 to 28.07.2018 upto 1.00 a.m.

For Petitioner : Mr.R.J.Karthick
For R-1 to R-3 : Mr.M.Rajarajan
Government Advocate
For R4 : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

(Order of the Court was made by C.T.SELVAM, J.)

The Writ Petitioner seeks issuance of a Writ of Mandamus, directing the Respondents to grant permission to conduct the “Light Music” and “Patti Mandram” with the assistance of sound service till the completion of Veethi Ula of Arulmigu Sankaranarayna Swamy, Sankarankovil, Tirunelveli District from 17.07.2018 to 28.07.2018 upto 1.00 a.m.

2.The writ petitioner, who is the Treasurer of Sengundhar Abivirithi Sangam and member of Adi Thabasu Thiruvizha Committee, has informed that the District administration has declared a local holiday on

27.07.2018 towards enabling the devotees to attend the Adi Thabasu Festival of Sankarankovil in the Tamil month of Adi. The festival period is of 12 days and attracts a large number of devotees. The festival commences with flag hoisting on 17.07.2018 and continues upto 28.07.2018. The conduct of festival is an ancient ritual and a representation has been made to the respondents towards conduct of 'Light Music' and 'Patti Mandram' using sound systems on the festival dates. Although, the petitioner prays that the same may be permitted upto 1.00 a.m., the learned counsel for the petitioner submits that he would restrict the prayer of permission upto 12 midnight.

3.The respondents have filed counter affidavit stating that the petitioner must be required to finish their programme by 10.00 p.m., in keeping with the directions issued by this Court 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.”

4.It is the respondents' contention that the conduct of festivities using sound systems may be restricted to 10.00 p.m.

5.The learned counsel for the petitioner has brought to notice, notification of the Ministry of Environment, Forest and Climate Change, dated 10.08.2017 in S.O.2555(E) and particularly, the following therein:-

“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.”

6.The learned Government Advocate for the respondents submits that on the last occasion, cases under Section 75 of the City Police Act had been registered against three persons. The instances of acts of nuisance by individuals should not stand in the way of the respondents granting permission. The respondents are willing to grant permission for conduct of festivities and the notification dated 10.08.2017 of the Ministry of Environment, Forest and Climate Change, informs that the same may be permitted upto 12 mid night on or during any cultural, religious or festive occasion of a limited duration not exceeding fifteen days in all during a calendar year.

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

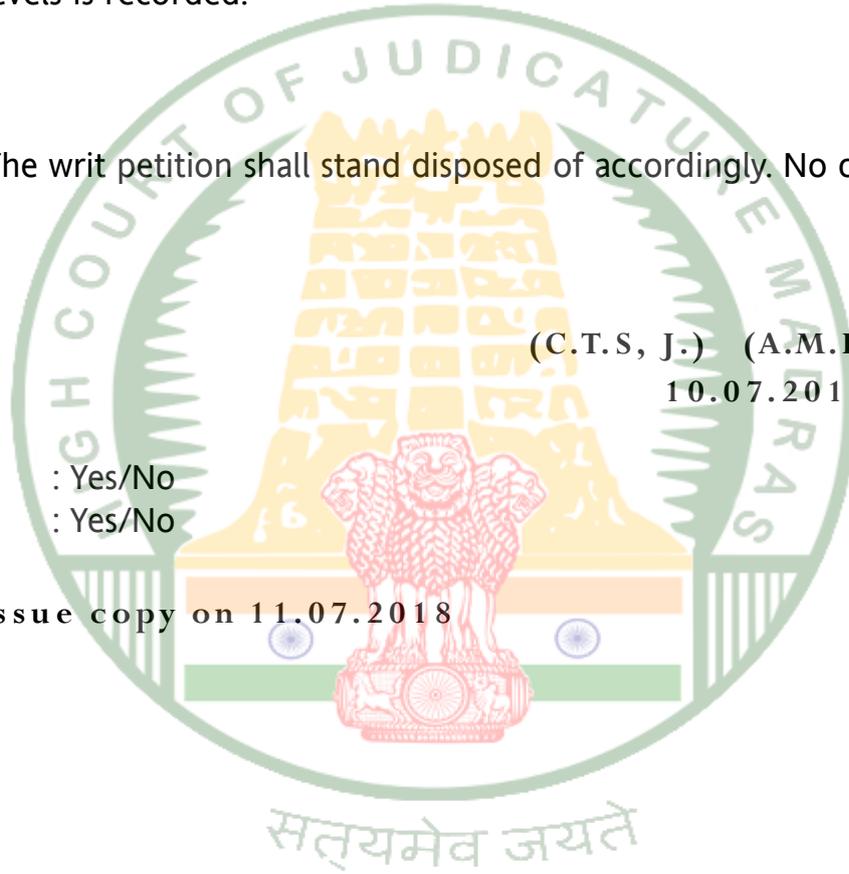
“Light Music” and “Patti Mandram” upto 12, mid night, between 17.07.2018 to 28.07.2018. The submission of learned counsel for petitioner that the sound system will be operated within permissible decibel levels is recorded.

8.The writ petition shall stand disposed of accordingly. No costs.

(C.T.S, J.) (A.M.B.A, J.)
10.07.2018

Index : Yes/No
Internet : Yes/No
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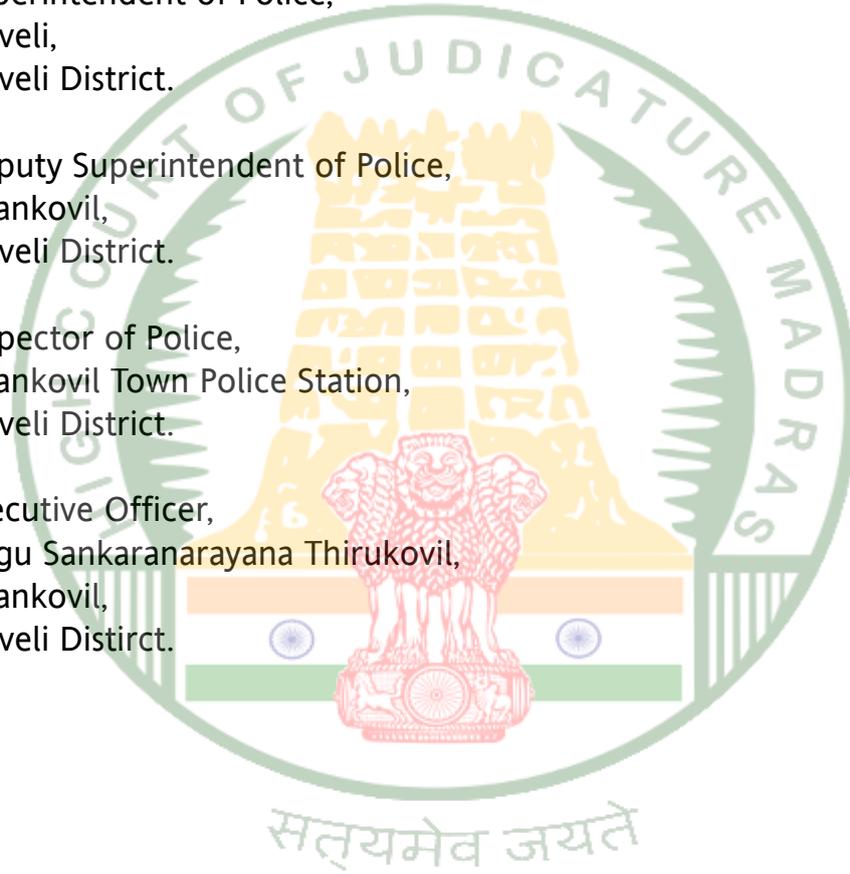
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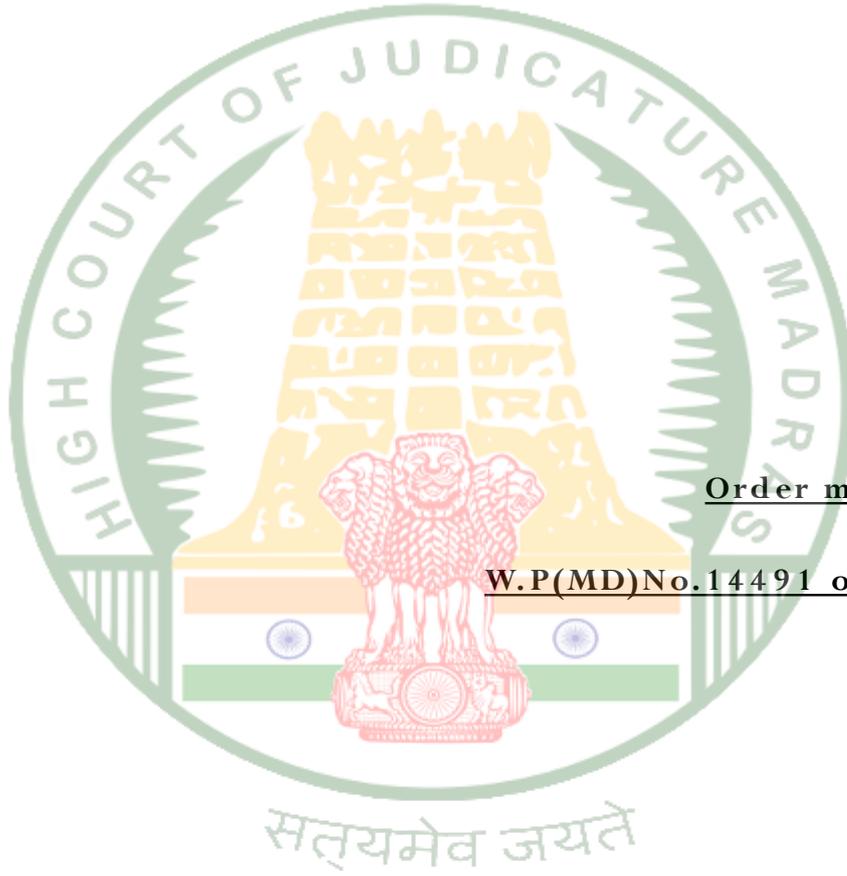
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rj2



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