

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 37923 of 2015

&

M.P. Nos. 1 & 2 of 2015

The Hindu Munnetra Kalagam,
rep. by its General Secretary,
K. Gopinath,
No.10, Best complex,
Kumaran Road,
Tirupur - 641 601,
Tirupur District.

..Petitioner

Vs.

1. State of Tamil Nadu,
rep. by its
The Chief Secretary to Govt.,
Home Department,
Fort St. George,
Chennai - 600 009.

2. The Director General of Police,
The Director General of Police
Office,
Radhakrishnan Road,
Mylapore, Chennai - 600 004.

3. The President,
The Tamil Nadu Muslim
Munnetra Kalagam,
No.7, Vadamaracoir Street,
Mannadi, Parrys,
Chennai - 600 001.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Mandamus forbearing the 1st and 2nd
respondent authorities from giving permission to the 3rd
respondent or any other Muslim associations from conducting
procession or any other events in the name of Babar Mosque
Destruction to the upcoming years by considering the
representation dated 23.11.2015.

For Petitioner :: Mr.P.Kalimuthu

For Respondents:: Mr.P.H.Arvind Pandian
Addl. Advocate General
assisted by
Mr.P. Sanjay Gandhi
Addl.Govt. Pleader for R1 & R2

O R D E R

The petitioner has filed this writ petition with an omnibus prayer seeking issuance of Writ of Mandamus forbearing the 1st and 2nd respondent authorities from giving permission to the 3rd respondent or any other Muslim associations from conducting procession or any other events in the name of Babar Mosque Destruction in the upcoming years by considering the representation dated 23.11.2015.

2. The said prayer has been sought in pursuance to the representation made on 23.11.2015. In the said representation, the petitioner has expressed its apprehension that the proposed meeting would lead to law and order problem as the religious sentiments of others would, in all likelihood, be affected.

3. Learned counsel for the petitioner submitted that the proposed meeting would lead to serious law and order problem and would definitely affect the religious sentiments of others. Therefore, permission will have to be rejected.

4. Learned Additional Advocate General appearing for the respondents submitted that the prayer, as sought, cannot be granted. It is for respondents 1 and 2 to consider either granting of permission or rejection of permission based on relevant materials. Therefore, no interference is required.

5. A writ of mandamus shall not be issued to prevent an authority, who is otherwise vested with the power to exercise it, in the manner known to law. Admittedly, as on date, no such permission has been granted by respondents 1 and 2. As and when such a request is made, either by the 3rd respondent or by any other similar association, certainly, respondents 1 and 2 would consider the relevant materials before granting permission. The petitioner does not have any vested right to insist that no permission can be granted to the 3rd respondent, in the event of request being made for conducting procession or any other event. Besides, there is no contra material to come to the conclusion that respondents 1 and 2 will not take into consideration the relevant materials before according permission and further,

there is no material to come to the conclusion that the 3rd respondent, if permission is granted, would act contrary to law.

6. Hence, for all the reasons stated above, this Court does not find any reason to entertain this writ petition. Accordingly, the writ petition is dismissed. No costs. Connected M.Ps are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nv
To

1. The Chief Secretary to Govt.,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
The Director General of Police
Office,
Radhakrishnan Road,
Mylapore, Chennai - 600 004.

+1 cc to Government Pleader, sr.65191

rv co
kra 30.12.2015

W.P. No. 37923 of 2015

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