

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.08.2015****CORAM:****THE HONOURABLE Ms.JUSTICE R.MALA**

W.P. (MD) No.11511 of 2015

Shanmugam

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Pudukottai Sub Division,
Pudukottai District.

2.The Sub-Inspector of Police,
Ganeshnagar Police Station,
Pudukottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records connected with impugned order passed by the respondent NO.2 dated Nil and quash the same as illegal, consequently directing the respondents No.2 to permit the petitioner to conduct agitation near Chinnappa Park, Pudukottai on any other earliest date as fixed by this Court and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.N.Manoharan Special Government Pleader

O R D E R

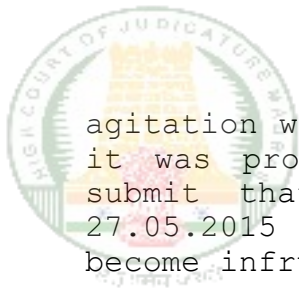
This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the respondent No.2 dated Nil and quash the same as illegal, consequently directing the respondents No.2 to permit the petitioner to conduct agitation near Chinnappa Park, Pudukottai on any other earliest date as fixed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner herein has given a requisition on 21.05.2015 for making agitation in respect of the murder caused to one Sattu. But, without considering the same, the second respondent has rejected the permission. Challenging the same, the petitioner has come forward with this petition. Further, the petitioner sought for permission of this Court for making agitation in the place, which was mentioned by the police and also time fixed by them and hence, he prayed for setting aside the impugned order.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Resisting the same, the learned Special Government Pleader appearing for the respondents submitted that the permission to make



agitation was not granted because it will cause law and order problem and it was properly rejected by the second respondent. Further, he would submit that the petitioner sought permission to make agitation on 27.05.2015 and the said period has been over and hence, this petition has become infructuous and hence, he prayed for dismissal of this petition.

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5. Considering the rival submissions made by both sides and on perusal of typed set of papers, it is seen that the petitioner, who is a District Organizer of Periyar Ambedkar Makkal Kalagam movement, has come forward with this Writ Petition stating that the State Secretary of their organization namely Tr.Sattu's murder case has been registered in Crime No.148 of 2015 under Section 302 IPC r/w 3(2)(V) of SC/ST (POA) Act, 1989 and in the FIR, the names of four accused have been mentioned. But they have not taken any steps to show their solidarity and they gave a representation dated 21.05.2015 seeking permission of the respondent police, but, that has been rejected by the second respondent and hence, the petitioner prayed quashing of the impugned order.

6. A perusal of records would further show that this petitioner is a District Organizer of Periyar Ambedkar Makkal Kalagam movement. Every person is having right to express his grievance under Article 19 of the Constitution of India and they are entitled to conduct an agitation in a peaceful manner without causing any hindrance to any public and an opportunity must be given to them. Without considering the same, the second respondent has rejected to give permission stating that already the accused in Crime No.148 of 2015 have been arrested and investigation is going on and hence, there is no necessary to conduct an agitation and if the petitioner is permitted to conduct an agitation, it will cause law and order problem. The learned counsel for the petitioner submitted that to show their solidarity, they want to make an agitation without causing hindrance to any public. An undertaking is given by the learned counsel for the petitioner to that effect.

7. Recording the same, I am of the view that the impugned order, without considering the fundamental rights in making agitation peacefully, is liable to be set aside and it is hereby set aside. The time fixed by them has already been over and if the petitioner gives any fresh application, the second respondent is directed to consider the same in this proper perspective and fix the time and place without causing any hindrance to any public. After getting the permission, they will have to show their solidarity in a peaceful manner without causing any hindrance to any public.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected M.P is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar.



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To,

1.The Deputy Superintendent of Police,
Pudukottai Sub Division,
Pudukottai District.

2.The Sub-Inspector of Police,
Ganeshnagar Police Station,
Pudukottai District.

+1CC to M/S.R.Alagumani ADV.SR.No.44874

+1CC to Spl.Government Pleader ADV.SR.No.44593

GJM18.8.15-3P-5C

W.P (MD) No.11511 of 2015
and M.P. (MD) No.1 of 2015
Dated: 05.08.2015