



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P(MD)No.11571 of 2015

WEB COPY

Jeyaraj

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
West Police Station,
Madurai Road,
Virudhunagar District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records of the impugned summon issued by the second respondent as per 160 Cr.P.C dated 03.07.2015 and to quash the same as illegal and consequently direct the respondents to grant permission to the petitioner's out fit to hold the demonstration on 11.07.2015 at 11.00 a.m at Desapandu Ground, Virudhunagar District that falls within the jurisdiction of the second respondent

For Petitioner : Jeyaraj
Party - in- Person

For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus to call for the records of the impugned summon issued by the second respondent as per 160 Cr.P.C dated 03.07.2015 and to quash the same as illegal and consequently direct the respondents to grant permission to the petitioner's out fit to hold the demonstration on 11.07.2015 at 11.00 a.m at Desapandu Ground, Virudhunagar District that falls within the jurisdiction of the second respondent

2.Heard the petitioner, who is present before this Court and the learned Government Advocate appearing for the respondents.

3. The petitioner herein has requested this Court to grant permission for conducting peaceful demonstration to protest the harassment meted out to the depressed class people. It is submitted that the petitioner has already sent representation to the second respondent seeking permission to hold the meeting and the same was rejected on the ground of alleged law and order problem. Challenging the same, the present writ petition has been filed.

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

4.The petitioner seeks permission to conduct a protest meeting, which is proposed to be held in the open ground. It is not as if the



petitioner is going to lead a procession. Therefore, the petitioner's genuine request cannot be denied as there is no material to come to the conclusion that there is likelihood of law and order problem.

5. Though in the counter affidavit reasons have been assigned, this Court is not willing to dismiss the writ petition on that basis, as the order impugned will not be sustained for the reasons therein and the case of the respondents cannot be improved by the counter affidavit. Moreover, the petitioner has not put to notice before passing the impugned order to disclose sufficient reasons.

6. Accordingly, the impugned order is hereby set aside. Consequently, the respondent No.2 is directed to give adequate permission for conducting protest meeting at Desabandu Ground. The meeting will be held between 10.00 a.m to 12.00 noon. It is made clear that the petitioner shall not indulge any procession. Liberty is given to the respondent No.2 to impose any other condition to regulate law and order.

7. This Writ Petition is allowed. No costs. Consequently, connected M.P.s are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector, Virudhunagar District, Virudhunagar.
- 2.The Inspector of Police, West Police Station, Madurai Road, Virudhunagar District.

+1cc to Mr.A.Rajini, Advocate SR.No.337735

+1cc to Special Govt.Pleader SR.No.37913

W.P (MD) No.11571 of 2015
and M.P. (MD) Nos. 1 and 2 of 2015
10.07.2015

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