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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Writ Petition (MD) No.4003 of 2015

Paulraj

... Petitioner

Vs.

1.The Inspector of Police,
Seranthamaram Police Station,
Seranthamaram,
Tirunelveli District.

2.The Sub Inspector of Police,
Seranthamaram Police Station,
Seranthamaram,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus or order or direction in the nature of writ to call for the records of the 2nd respondent pertaining to his proceedings dated 16.3.15 and quash the same as illegal and unconstitutional consequently direct the 1st respondent to grant permission to the petitioner to conduct peaceful demonstration on 20.3.15 at about 4 O clock at Seranthamangalam.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : Mr.M.Murugan,
Government Advocate.

ORDER

The petitioner has sought for procession for the purpose of raising its objections on the unilateral eviction made by the District Administration as well as the Highways Department. The request made was rejected by the second respondent on the ground that it having been sought for procession to raise its objections against the Government and there is likelihood of law and order problem and therefore, the same cannot be considered. Challenging the same, the present writ petition has been filed.

2.Learned counsel appearing for the petitioner submitted that the petitioner would raise its objections in a peaceful manner and the respondents can impose appropriate conditions apart from choosing a particular place which is unobjectionable.

3.Per contra, learned Government Advocate submitted that the representation has not been given in person and as there is likelihood of law and order problem, the request was rightly rejected.

4.A perusal of the order impugned would show that there is no basis for coming to a conclusion about the likelihood of law and order problem. Merely because the petitioner wants to protest against the Government, the claim of the petitioner cannot be denied. The object of



the protest is only against the Government and not against any third party having different communities or religion. It is always open to the respondents to impose any such conditions to maintain law and order problem apart from choosing an unobjectionable place.

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5. Accordingly, the impugned order is set aside. Consequently, the writ petition is allowed. The petitioner is directed to appear before the second respondent and give a detailed representation in person mentioning the proposed date for the protest. As and when the same is received, the second respondent is directed to pass appropriate orders permitting the petitioner to have its meeting in a peaceful manner subject to the place being chosen by the said authority and other conditions that can be imposed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Inspector of Police,
Seranthamaram Police Station,
Seranthamaram,
Tirunelveli District.

2.The Sub Inspector of Police,
Seranthamaram Police Station,
Seranthamaram,
Tirunelveli District.

+1cc to Mr.P.T.Ramash Raja, Advocate, SR.No.17042

+1cc to Special Govt.Pleader SR.No.17363

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sms

PA/16.04.2015/2P/5C