



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2015

CORAM:

THE HONOURABLE Mr. JUSTICE M.M. SUNDRESH

Writ Petition (MD) No. 7653 of 2015

WEB COPY

Jayakumar

... Petitioner

Vs

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

2. The Deputy Superintendent of Police,
Vilathikulam
Thuthukudi District.

3. The Inspector of Police,
Eppothumvendran Police Station,
Thuthukudi 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 pertaining to the impugned order dated 12.04.2015 on the file of the third respondent and quash the same as illegal and consequently to direct the respondent to grant permission to the petitioner to conduct the campaign in a Auto fitted with public address system with 10 two wheelers from Eppothumvendran to Keelaseithalai village 9.00A.M to 9.00P.M and to conduct meetings enroute at Eppothumvendran, Kattunaickkanpatti, Aathanur, Milagunatham, Ayyarpatti, Mullur, Kollambarumbu, Chandrakiri, Keelaseithalai on 10.05.2015 or any other date.

For Petitioner : Mr.G.Bhagavath Singh

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 12.04.2015 on the file of the third respondent and quash the same as illegal and consequently to direct the respondent to grant permission to the petitioner to conduct the campaign in a Auto fitted with public address system with 10 two wheelers from Eppothumvendran to Keelaseithalai village 9.00A.M to 9.00P.M and to conduct meetings enroute at Eppothumvendran, Kattunaickkanpatti, Aathanur, Milagunatham, Ayyarpatti, Mullur, Kollambarumbu, Chandrakiri, Keelaseithalai on 10.05.2015 or any other date.

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

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

3. The petitioner being the District Secretary of one social movement namely "Indian Communist Katchi (Marxist Leninist) Makkal



Viduthalai CPI(ML)" made a request, seeking permission to conduct the campaign in an Auto fitted with public address system with 10 two wheelers from Eppothumvendran to Keelaseithalai village 9.00A.M to 9.00P.M and to conduct meetings enroute at Eppothumvendran, Kattunaickkanpatti, Aathanur, Milagunatham, Ayyarpatti, Mullur, Kollambarumbu, Chandrakiri, Keelaseithalai. The third respondent has rejected the said request by the impugned order on 12.04.2015. Challenging the said order passed the present Writ Petition has been filed.

4.Learned counsel for the petitioner submitted that the respondents cannot go into the object behind the procession. The order passed cannot be sustained in the eye of law as the order being passed without offering opportunity to the petitioner. There cannot be any blanket order. The law and order problem cannot be imposed without any basis.

5.Learned Government Advocate (Criminal side) on instructions submitted that the campaign in an Auto fitted with public address system with 10 two wheelers from Eppothumvendran to Keelaseithalai village will create law and order problem and the order under Section 30(2) of City Police Act is in force and the day falls on the death anniversary of an activist of an organization.

6. What the petitioner seeks is to conduct a peaceful campaign. While it is certainly open to the respondents to regulate it, the same cannot be prohibited in the absence of valid reason. There is no material to hold that the campaign would create law and order problem. The further reasons are also not reasonable.

7. For the above said reasons, the order impugned is set aside and the Writ Petition is allowed by allowing the petitioner to conduct the campaign on 10.05.2015. However, the schedule can be fixed by the respondent No.3 by taking into consideration of the likelihood of interfering with the traffic. The said respondent can also impose any other conditions keeping in mind the law and order problem. No costs.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Superintendent of Police, Thuthukudi District, Thuthukudi .
 2. The Deputy Superintendent of Police,
Vilathikulam, Thuthukudi District.
 3. The Inspector of Police,
Eppothumvendran Police Station, Thuthukudi District.
- +1cc to Mr.G.Bhavagath Singh, Advocate, SR.No.23898

W.P(MD) No.7653 of 2015
30.04.2015