

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-03-2016

Coram :

THE HONOURABLE MR. JUSTICE R. SUBBIAH

Writ Petition No. 7859 of 2016

T. Ananda Murugan
Son of Thalavai Pandian
The State General Secretary/National Secretary
Trade Union Co-ordination Centre
Tamil Nadu State Committee
Door No.E-32, 2nd Floor, 2nd Avenue
Besant Nagar, Chennai - 600 090 .. Petitioner

Versus

The Commissioner
Greater Chennai Police
No.132, Commissioner Office Building
E.V.K. Sampath Road
Vepery, Chennai - 600 006 .. Respondent

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondent to grant necessary permission for conducting demonstration as against the illegal arrest of their office bearer Mr. C. Dhanasekaran on any date and time as fixed by the respondent herein near Government Guest House, Chepauk, Chennai as early as possible on considering the petitioner's representation dated 17.02.2016 given in person and to dispose of the same within a stipulated period of time.

Petitioner : Mr. B. Ganesha Moorthy
For Respondent : Mr. Dig Vijay Pandian
Additional Government Pleader

ORDER

The petitioner seeks for a Mandamus directing the respondent to grant necessary permission for conducting demonstration as against the illegal arrest of their office bearer Mr. C. Dhanasekaran on any date and time as fixed by the respondent herein near Government Guest House, Chepauk, Chennai as early as possible on considering the representation dated 17.02.2016 given in person and to dispose of the same within a stipulated period of time.

2. The petitioner is the Tamil Nadu State General Secretary/National Secretary of Trade Union Coordination Centre, which was recognised by the Ministry of Labour and Employment, Government of India and also their Central Office at New Delhi. According to the petitioner, one Mr. C. Dhanasekaran, State General Secretary of the organisation had attended the Nethaji Subhash Chandra Bose Birthday programme at Delhi on 23.01.2016 and while he was to Chennai on 26.01.2016 he was arrested by the police as per the direction of the respondent herein at Chennai Central Railway Station. According to the petitioner, the above said Mr. C. Dhanasekaran, Office bearer of the organisation has not committed any offence and he was arrested and remanded to judicial custody on a false complaint. The petitioner association also submitted a complaint dated 17.02.2016 to the State Human Rights Commission in connection with the arrest. Further, as a mark of protest of their office bearer, the petitioner organisation intended to convene a protest cum agitation meeting on 24.02.2016 at 11.00 am. Before convening such a meeting, a representation was given to the respondent seeking permission. However, till the date of proposed meeting on 24.02.2016, the respondent has neither granted permission nor refused it. Therefore, the petitioner has come forward with this writ petition.

3. Mr. Dig Vijay Pandian, learned Additional Government Pleader accepts notice for the respondent.

4. The direction as sought for by the petitioner cannot be granted by this Court and it is for the respondent to consider the request of the petitioner. In fact, it is stated that the petitioner has given a representation dated 17.02.2016 in person but so far no order has been passed by the respondent. In such circumstances, even though this Court is not inclined to grant any positive direction in this writ petition, the petitioner is hereby directed to submit a fresh representaiton to the respondent seeking permission to convene a meeting and on receipt of the same, it the respondent shall pass appropriate orders on merits and in accordance with law.

5. Accordingly, the petitioner is directed to submit a fresh representation to the respondent along with a copy of this order within one week from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the request of the petitioner and to pass appropriate orders thereon within a period of two weeks thereafter.

6. The writ petition is disposed with the above direction.
No costs.
rsh

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

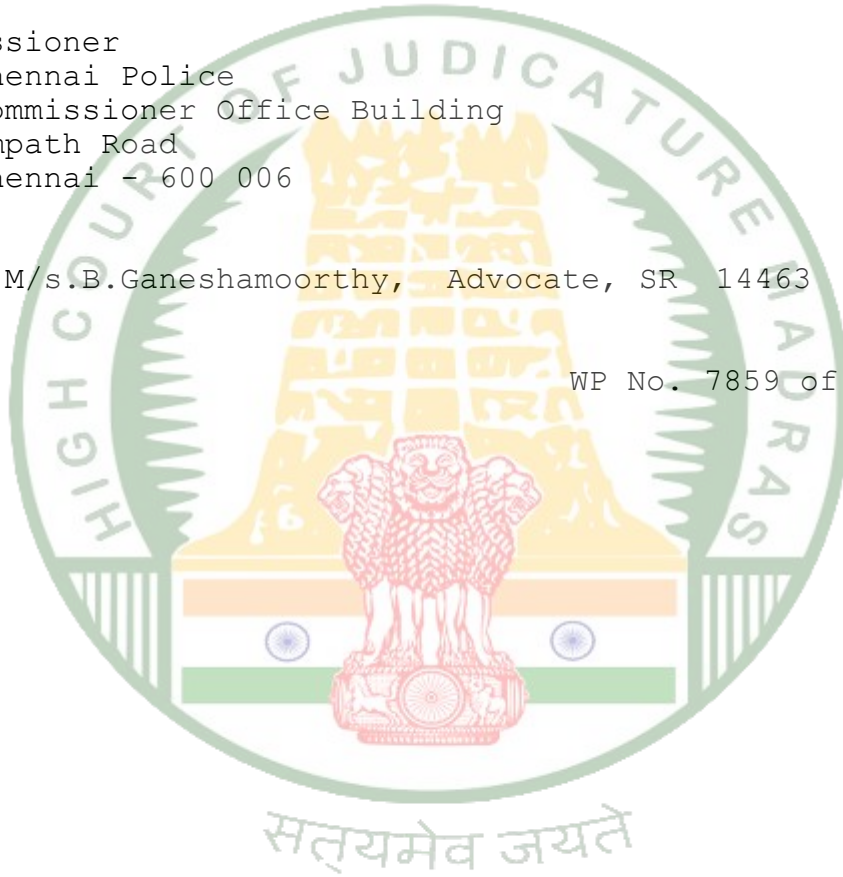
To

The Commissioner
Greater Chennai Police
No.132, Commissioner Office Building
E.V.K. Sampath Road
Vepery, Chennai - 600 006

+ 1 cc to M/s.B.Ganeshamoorthy, Advocate, SR 14463

ctk(co)
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