



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.13325 of 2016 and
W.M.P.(MD) Nos.10002 & 10003 of 2016

B.Suresh

... Petitioner

-vs-

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Assistant Commissioner of Police,
Law & Order, Thallakulam Range,
Madurai.

3. The Inspector of Police,
D-1, Thallakulam Police Station,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 26.07.2016 in Na.Ka.No. 67/MLR/AC- TKM/L &O /2016 on the file of the 2nd respondent and quash the same and consequently direct 2nd respondent to sanction permission to the petitioners Tamil Nadu Cable TV operators General Welfare Association to have procession on 27.07.2016 at 9.00 am to 11.00 am from Gandhi Museum to Raja Muthaiah Mandram through Swimming Pool and Government Law College at Madurai.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

The writ petition has been filed, seeking to quash the order dated 26.07.2016 passed in Na.Ka.No. 67/MLR/AC- TKM/L &O /2016 by the 2nd respondent, in which the request of the petitioner to conduct procession was rejected on the ground that the selected direction to the 2nd respondent to sanction permission to the petitioner's Tamil Nadu Cable TV operators General Welfare



Association to have procession

2. Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel on either side.

4. Learned counsel for the petitioner has submitted that when the procession was conducted on earlier occasions, there were no untoward incidents and the petitioner's Association is ready to give undertaking that the procession will be conducted without any traffic hindrance to the general public.

5. The learned Additional Government Pleader would submit that in order to avoid high traffic congestion in the locality and to ensure free flow of traffic, the permission for conducting procession was rejected, which order does not call for any interference by this Court. However, he has fairly submitted that in the event of the petitioner concluding the procession within the shortest time, the respondent police is ready to consider granting permission to the petitioner.

6. In reply to the above, learned counsel for the petitioner has submitted that the petitioner is prepared to conduct the procession between 5:00pm and 5:30pm in the route suggested by the respondent police.

7. The apprehension of the respondents cannot be brushed aside and the reason stated for rejection has to be sustained, though the final order is rejected. But, in view of the subsequent undertaking by the petitioner to change the route, the order passed by the 2nd respondent is modified.

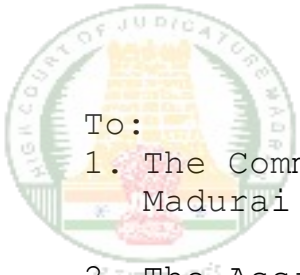
8. Accordingly, the respondents are directed to grant permission to the petitioner's Tamil Nadu Cable TV Operators General Welfare Association to have procession between 5:00pm and 5:30pm starting from Raja Muthaiah Mandram to Ulaga Tamil Sangam Building.

With the above direction, this petition is disposed of. Consequently, connected miscellaneous petition are closed. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/



To:

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Assistant Commissioner of Police,
Law & Order, Thallakulam Range,
Madurai.
3. The Inspector of Police,
D-1, Thallakulam Police Station,
Madurai.

+1cc to Mr.B.Prasanna Vinoth, Advocate, Sr.No.39920

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JM/NGM-MP/SAR-III/27.07.2016/3P-5C

W.P. (MD) No.13325 of 2016
27.07.2016