



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2016

CORAM

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THE HON'BLE DR.JUSTICE S.VIMALA**W.P(MD)No.15744 of 2016 and**
W.M.P. (MD) No.11535 of 2016

Sankathamilan

... Petitioner

-VS-

1.The Superintendent of Police
Tuticorin District, Tuticorin.2.The Inspector of Police,
Thiruchendur Taluk Police Station,
Tuticorin District.3.The Inspector of Police,
Thiruchendur Temple Police Station,
Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings dated 16.08.2016 and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to give permission to the petitioner for conducting demonstration as rescheduled on 26.08.2016 at 06:00pm in front of the Thiruchendur Government Bus Stand.

For Petitioner : Mr.A.D.Ganeshamoorthi

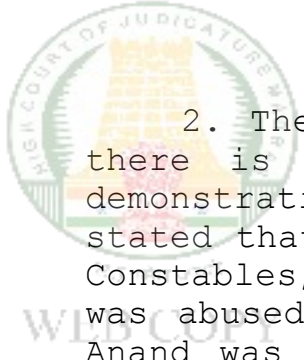
For Respondents : Mr.D.Muruganandham
Addl. Govt. Pleader

Orders Reserved on : 30.08.2016

Orders Pronounced on : 07.09.2016

O R D E R

The impugned order passed by the 2nd respondent dated 16.08.2016, declining permission to conduct demonstration as rescheduled on 26.08.2016 is under challenge.



2. The impugned order declines permission on the ground that there is likelihood of law and order problem arising in the demonstration. In the representation dated 15.08.2016, it is stated that one Anand, S/o.Ganapathi was taken into custody by two Constables, belonging to Thiruchendur Temple Police Station and he was abused by the caste name and he was also brutally attacked; Anand was admitted at Thiruchendur Government Hospital and he is taking treatment; To impress upon of the necessity of registering a case against the Police officials, demonstration is imperative, which will be conducted on behalf of Viduthalai Siruthaigal Party.

3. Learned counsel for the petitioner submitted that it is the democratic right of the petitioner to conduct demonstration, whenever there is a violation of human rights and that rights cannot be allowed to be prevented by the persons, who were responsible for the occurrence itself.

4. On the other hand, learned Additional Government Pleader submitted that any action taken against the persons officially discharging the duties would only demoralize the concerned Government Servant and it would have a telling impact upon others, who has to discharge the official function without any fear or favour and therefore, permission has been rightly declined.

4.1. It is pointed out that the said Anand is Accused No.4 in a case registered before Thiruchendur Police Station Crime No.247 of 2016 under Sections 147, 148, 294(b), 324 and 506(ii) IPC. The allegation against him is that he pelted stones along with other accused and caused injuries to three victims and abused the victims also. It is alleged that when the 3rd respondent went to the house of Anand to apprehend him, he absconded and got himself admitted in the Government Hospital, Thiruchendur and this case has been given a political twist and political colour. There is no public issue involved and therefore, the question of granting permission does not arise. The respondents did not cause any injury to Anand.

5. Though this Court can appreciate the contentions raised on each side on a question of law, but this Court is not in a position to appreciate the contentions with respect to factual aspects, as there are no documents to appreciate the facts.

6. The rejection order by the 2nd respondent did not contain any reasons and that the averments stated in the counter do not find a place in the rejection order. Under such circumstances, the rejection order passed without giving any acceptable reason cannot be sustained and it is liable to be rejected and it is rejected accordingly.

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

7. The petitioner is directed to submit a copy of the representation to the 1st respondent, who would enquire the



parties, look into the documents and to take a decision in accordance with law and on merits as quickly as possible.

With the above direction, this petition is disposed of. Consequently, connected miscellaneous petition is closed

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Sd/

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police
Tuticorin District, Tuticorin.

2.The Inspector of Police,
Thiruchendur Taluk Police Station,
Tuticorin District.

3.The Inspector of Police,
Thiruchendur Temple Police Station,
Tuticorin District.

+1 cc to MR.A.D.GANESHAMOORTHY, Advocate SR.No.50422

+1 cc to Special Government Pleader, SR.No.50932

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SMA/CK/14/09/2016 :3P/6C