



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.17631 of 2016

WEB COPY

N.Kaleeswaran

... Petitioner

-vs-

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

2.The Inspector of Police,
Vathirairuppu Police Station,
Virudhunagar District.

... 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 pertaining to the impugned order dated 12.09.2016 passed by the second respondent and quash the same as illegal and subsequently direct the Respondents to allow the petitioner to conduct a public meeting between 7 p.m., to 10 p.m., on 17.09.2016 at Vathirairuppu, Virudhunagar District on the celebration of 138th birthday of Thanthai Periyar.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.K.P.Krishna Doss,
Govt. Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order of the second respondent, dated 12.09.2016 and permit the petitioner to conduct a public meeting on 17.09.2016 at Vathirairuppu, Virudhunagar District on the celebration of 138th birthday of Thanthai Periyar.

2. Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

4.Mr.V.Rajiv Rufus, learned counsel appearing for the petitioner would submit that in the same place, the second respondent police has permitted the other political parties to conduct meeting and other programmes, however, rejected the



representation of the petitioner even without giving opportunity to explain his case in violation of the Principles of Natural Justice.

5. The respondents filed counter affidavit stating that if a meeting to celebrate the Birthday of Thanthai Periyar is held at Muthalamman Bazaar, there will be a disturbance to the public. Previously, due to political meetings held in the same place, communal problems arose and offence of murder had also taken place.

6. It is seen from the records that the request of the petitioner was rejected mainly on the ground that the meeting would cause disturbance for the public, that too, the impugned order was passed without providing an opportunity to the petitioner.

7. In the circumstances, the impugned order passed by the second respondent is set aside and the writ petition is allowed. However, the second respondent is directed to consider the representation of the petitioner afresh, within a period of two weeks from the date of receipt of a copy of this order, after giving opportunity to the petitioner. No costs.

Sd/

Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To:

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

2. The Inspector of Police,
Vathirairuppu Police Station,
Virudhunagar District.

+1cc to M/S.V.Rajiv Rufus, Advocate in SR.No.53371

+1cc to Special Government Pleader in SR.No.53428

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Am

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