

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

CrI.O.P.No.24824 of 2017
and CrI.M.P.No.14335 of 2017

C.Ramamoorthy

.. Petitioner

Vs

1. The State rep. by

The Superintendent of Police,
O/o. Superintendent of Police,
Salem District, Salem.

2. The Inspector of Police,
Kolathur Police Station,
Kolathur, Salem.

.. Respondents

Prayer : Criminal Original Petition is filed Under Section 482 of the Criminal Procedure Code, to quash the impugned order proceedings No.Na.Ka.En.5/Kol.P.S./2017 dated 11.11.2017 passed by the 2nd respondent and consequently directed the respondents to grant permission to observe Great Heroes Day commemoration on 27.11.2017 at the venue of Ponnammal memorial structure and pursuant to the petitioner representation dated 01.11.2017.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

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सतयमेव जयते
O R D E R

The prayer sought for in the present petition is to quash the impugned order proceedings No.Na.Ka.En.5/Kol.P.S./2017 dated 11.11.2017 passed by the 2nd respondent and consequently direct the respondents to grant permission to observe Great Heroes Day commemoration on 27.11.2017 at the venue at Ponnammal memorial structure, pursuant to the petitioner's representation dated 01.11.2017.

2. Heard Mr.R.Thirumoorthy, learned counsel appearing for the petitioner as well as Mr.C.Iyyappa Raj, learned Additional Public Prosecutor appearing for the respondents.

3. It is rather unfortunate that the petitioner's request seeking permission to observe Great Heroes Day commemoration on 27.11.2017, was rejected on the ground that there can be law and order problem, if permission is granted. The petitioner has produced two orders of this Court, on similar grounds in which their permission came to be rejected. Both orders came to be challenged before this Court. In the year 2015, this Court had granted permission to conduct the said meeting by order dated 26.11.2015 in W.P.No.37341 of 2015. Likewise, in the year 2016, this Court has passed the order 22.11.2016 in W.P.No.40108 of 2016.

4. I am unable to comprehend as to how the second respondent has passed this order without application of mind, since the similar request for permission for the year 2015 and 2016 has been granted by this Court, inspite of their earlier rejections. In the present case, the petitioner was constrained to approach this Court on two earlier occasions, when both the said similar orders were passed. Inspite of this Court's orders, the second respondent has been rejecting it on the same ground, thereby, causing serious prejudice not only to the petitioner herein, but also to the Courts and the Public Prosecutor's Office. It is needless to point out that, it is the duty of the respondent police to manage any law and order problem and they cannot justify quoting the law and order situation as a reason for rejection, since they are the concerned authority to maintain law and order.

5. In the result, this Criminal Original Petition is allowed. The second respondent is directed to grant permission to observe Great Heroes Day to be commemorated on 27.11.2017 at the venue at Ponnammal memorial structure. The second respondent shall also extend necessary police protection for the said function. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

asi/ak

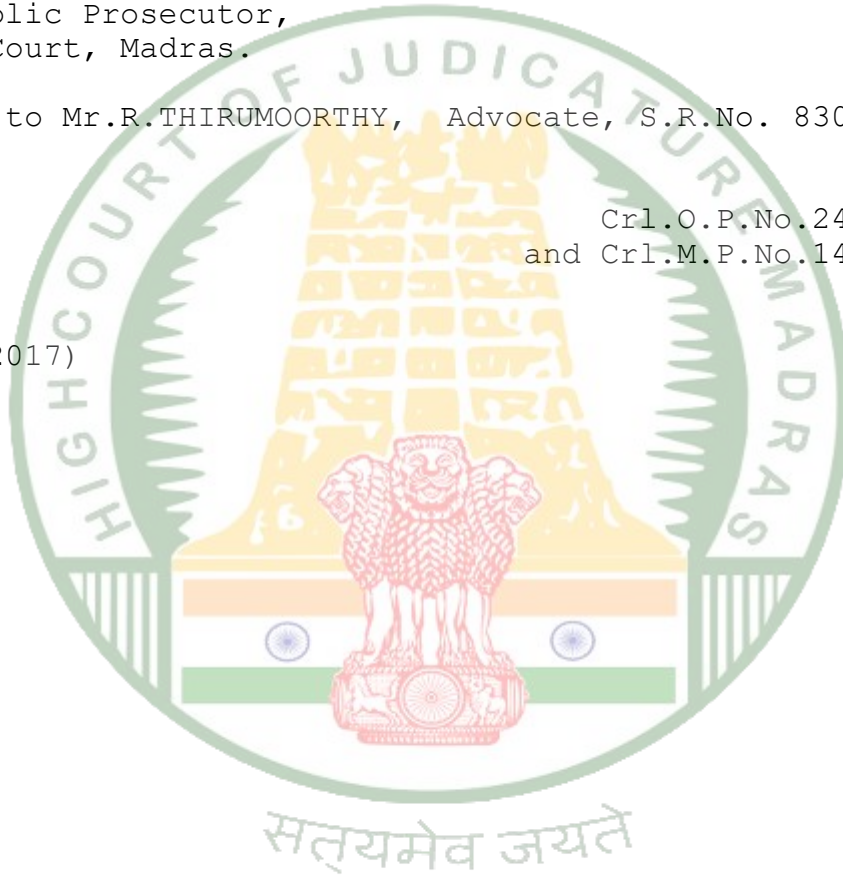
To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Kolathur Police Station,
Kolathur, Salem.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.THIRUMOORTHY, Advocate, S.R.No. 83001

Crl.O.P.No.24824 of 2017
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TR(24/11/2017)



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