



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.12.2017

CORAM
THE HON'BLE MR.JUSTICE S.S.SUNDAR

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W.P. (MD) No.23206 of 2017

M.Veerakumar,
S/o.Murugan,
Union Secretary (North),
Viduthalai Chiruthaigal Katchi,
Singavanam Post,
Manmelkudi Taluk,
Pudukottai District.

... Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Kottaipattinam Sub Division,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Administrative order dated 12.12.2017 passed by the 2nd respondent herein and to quash the same and further directing the respondents to grant permission to the petitioner to hold a demonstration near Manamelkudi Bus Stand, Pudukottai District on any future date.

For Petitioner : Mr.A.Jayaramachandran
For Respondent : Mr.R.Karthikeyan,
Additional Government Pleader.

O R D E R

This petition is filed for issuing a Writ of Certiorarified Mandamus calling for the records relating to the Administrative order dated 12.12.2017 passed by the second respondent herein and to quash the same and to direct the respondents to grant permission to the petitioner to hold a demonstration near Manamelkudi Bus Stand, Pudukottai District.

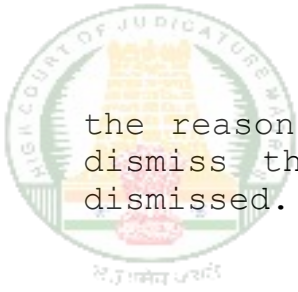
2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3.The petitioner states that he is the Union Secretary (North), Manamelkudi, Pudukottai District of Viduthalai Chiruthaigal Katchi. It is stated that their party leader is struggling against the social suppression of the downtrodden people for more than 25 years and that their party also is spearheading force of struggles against the social discrimination and working hard for the upliftment of the socially and economically suppressed section of Dalit society. It is also stated that there is a threat to the life of their party leader by the persons who have different ideologies. In order to express and demonstrate their condemnation, the petitioner states that they have organised public meetings, fasting, demonstrations and various other forms of protest throughout the State in a democratic and peaceful manner. Since permission was refused by the second respondent by the impugned order dated 12.12.2017, the petitioner states that he is constrained to file this Writ Petition.

4.The learned counsel for the petitioner submitted that it is the privilege of every citizen of this country to conduct protest meetings in a democratic way. In such circumstances, refusal to conduct the meeting is against the constitutional mandate. It is further stated that the second respondent has not stated any valid reason to refuse permission and that the only reason is by citing Section 30 (2) of Police Act. The submission of the learned counsel for the petitioner though convincing to some extent, the facts stated for refusing permission cannot be ignored in this case. It is admitted that the petitioner has organised similar meeting in the same place on 10.12.2017 at 05.00 p.m. and it was thereafter, the persons belonging to the other political parties have raised some objections. It is in these circumstances, pointing out that there is likelihood of law and order problem and that Section 30(2) of the Police Act is in force, permission for the meeting proposed by the petitioner on 14.12.2017 has been refused.

5.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that normal situation in this area was disturbed only because of the earlier meeting organised by the petitioner on 10.12.2017. It is also suggested that permission, if any, granted for conducting the same programme will certainly pave way for breach of peace and it is very difficult to manage such situation. The fact that the petitioner has conducted the programme earlier in the same place for the same purpose on 10.12.2017 is not in dispute. It is stated by the respondents that it is only on account of the protest meeting, the meeting for the second time for the same purpose cannot be permitted as several persons who belong to opposite parties were agitated pursuant to the earlier meeting organised by the petitioner on 10.12.2017. The reasons stated in the impugned order for rejecting the request of the petitioner is well-founded and this Court is not in a position to ignore the serious objections raised by the learned Additional Government Pleader appearing for the respondents, having regard to the peculiar facts in this case. Hence, this Court, for



the reason given in the impugned order, has no other option but to dismiss this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(Crl side)

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Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Kottaiappattinam Sub Division,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.

+1cc to Mr.A.JAYARAMACHANDRAN,Advocate,SR. 93518

+1cc to M/S.Special Government Pleader,SR. 93731

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18.12.2017

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