



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.07.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7498 of 2017

M.Sakundala Devi

... Petitioner

vs.

1. The Director General of Police,
Kamarajar Salai,
Kailasapuram,
Mylapore, Chennai - 600 005.

2. The Inspector Genral of Police,
South Zone,
New Natham Road,
Madurai.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to take necessary action against Superintendent of Police, Ramanathapuram for hearing issued the conditional order and further directing him to permit the people to celebrate Dr.Ambedkar's birth day without those conditions in future.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.T.S.Mohamed Mohideen, AGP

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed directing the respondents to take action against the Superintendent of Police, Ramanathapuram, for imposing certain conditions with regard to celebration of the birthday of Dr.Ambedkar on 14.04.2017.

2.This Court heard the learned counsel appearing for the writ petitioner as well as the learned Additional Government Pleader.



3.The learned Additional Government Pleader pointed out that Ramanathapuram District is a communally sensitive one. In the year 2011, there was a police firing leading to unfortunate deaths of as many as six persons. The police have stipulated certain conditions only to maintain communal peace and to prevent any law and order problem.

4.It is hardly necessary to reiterate that it is for the jurisdictional police authority to impose such conditions which are necessary to maintain public peace and tranquility. Of course, such orders cannot be mechanically followed for all times to come. The Inspector of Police, Keezhathooval Police Station passed the impugned order dated 13.04.2017, taking into account the ground level situation that obtained on the said date. There is no need for any apprehension that the same conditions would be adopted during the coming years also.

5.To show the unsustainability of the petitioner's contention, we may refer to condition No.1. Condition No. 1 is to the effect that after due respect and homage is paid to the photograph of Dr.Ambedkar, the same should be removed.

6.We fail to understand how this condition could be characterized as unreasonable. After offering homage, if the photograph of Dr.Ambedkar is left in the very same place, there is a risk of some anti-social elements doing something to cause disrespect to the photograph. This would certainly lead to a communal flare-up. Therefore, the Police rightly incorporated such a condition in the order granting permission.

7.It is not a case of the police refusing permission to conduct the function. The police have permitted the organizers of the function to conduct the same, incorporating certain conditions, taking into account the prevailing local situation. This cannot be faulted.

8.Therefore, there is no question of directing the first respondent to take action against the Superintendent of Police, Ramanathapuram, for having instructed the second respondent police to impose conditions, while granting permission for conducting the birthday celebrations of Dr.Ambedkar on 14.04.2017.

9.This Court finds no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/



To

1. The Director General of Police,
Kamarajar Salai,
Kailasapuram,
Mylapore, Chennai - 600 005.

2. The Inspector Genral of Police,
South Zone,
New Natham Road,
Madurai.

+1 cc to Special Government Pleader in SR.No.64447

gk

AE/JC/SAR1/24.07.2017/3P/4C

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