



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

W.P. (MD) No.95 of 2017

A.JEYAKUMAR

... Petitioner

-vs-

- 1 THE COMMISSIONER OF POLICE
TIRUNELVELI CITY, TIRUNELVELI.
- 2 THE DEPUTY COMMISSIONER OF POLICE
TIRUNELVELI CITY, TIRUNELVELI.
- 3 THE ASSISTANT COMMISSIONER OF POLICE
PALAYAMKOTTAI SUB DIVISION (LAW AND ORDER)
TIRUNELVELI DISTRICT. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent order dated 01.01.2017 in Na.Ka.No.01/FG/ACPCO/17/dated 1.1.2017 rejecting to grant permission to hold procession and public meeting on 07.01.2017 under the presidentship of Dr.K.Krishnasamy M.D., Ex.M.L.A., the Founder President of Puthiya Tamilagam Political Party Condemning the series of murders of Devendirakula youths in the Southern Districts of Tamilnadu state and against the forcefully and acquisition of Dalit people by TNPL at Manoor, Tirunelveli District.

For Petitioner : Mr.A.Kannan

For Respondents : Mr.B.Pugalendhi

Additional Advocate General
assisted by Mr.K.P.Krishnadoss
Government Advocate

O R D E R

Challenging the impugned order of the 3rd respondent, dated 01.01.2017, rejecting to grant permission to hold procession and public meeting on 07.01.2017 under the presidentship of Dr.K.Krishnasamy M.D., Ex.M.L.A., the Founder President of Puthiya Tamilagam Political Party, the present writ petition has been filed.

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

2.According to the petitioner, he is the Organizing Secretary of Puthiya Tamilagam Political Party in Tirunelveli District. His



party has decided to conduct a procession and public meeting on 07.01.2017 under the presidentship of Dr.K.Krishnasamy M.D., Ex.M.L.A., the Founder President of Puthiya Tamilagam Political Party in order to condemn the series of murders of Devendirakula youths in the southern Districts of Tamil Nadu State and the forceful acquisition of lands of the poor Dalit people at Manoor Village, Tirunelveli District. In this regard, they have submitted an application on 05.12.2016 to the third respondent seeking permission for the procession and public meeting on 07.01.2017 at Tirunelveli City.

3. On receipt of the said application, the third respondent issued a show-cause notice on 23.12.2016 calling for explanation as to why permission cannot be granted to the petitioner to hold such procession and Public meeting stating that in the route, there are other caste people are living and hence, law and order problem is apprehended. For that show-cause notice, the petitioner submitted his explanation on 31.12.2016. But, even without considering his explanation, the third respondent has passed the impugned order dated 01.01.2017, rejecting his application.

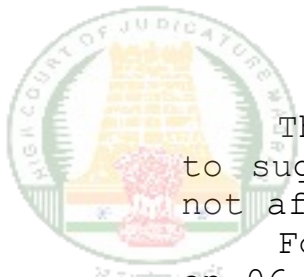
4. The learned counsel for the petitioner fairly contended that even though his application was rejected, the third respondent has partly allowed his application to conduct public meeting at "Nethaji Arangam" of Tirunelveli City. He further contended that the order of the third respondent is per se illegal, arbitrary and unjustifiable in law and hence, the order of the third respondent has to be set aside and necessary permission has to be granted with any conditions and the petitioner is ready to abide the conditions to be imposed to hold the procession and public meeting on 07.01.2017 at Tirunelveli City.

5. When this case was taken up for hearing on 05.01.2017, the learned Government Advocate submitted that if the petitioner is permitted to hold procession in the route as claimed by him, it will create law and order problem and also traffic congestions. Further, he submitted that if the alleged procession, as requested by the petitioner is permitted, it would cover the Tirunelveli - Palayamkottai main road and it will affect the entire public and cause inconvenience to the public at large. Hence, in order to avoid the unforeseen circumstances and to maintain law and order problem, such permission cannot be granted to conduct such procession.

6. On 05.01.2017, this Court passed the following Order:

"Both parties are directed to file a report regarding the route of procession.

The learned counsel for the petitioner is directed to furnish the route of procession, sought for, from the respondent Police.



The learned Government Advocate is also directed to suggest the route of procession, if any, that is not affecting the traffic etc.,

For filing report by both parties, post the case on 06.01.2017."

7. Heard the submissions made on either side and perused the documents carefully.

8. Today, when the matter is taken up for hearing, both the petitioner and the respondent filed a plan specifying the route of procession. On a perusal of the route suggested by the Police, it is very clear that the Police is permitting the petitioner to conduct procession from St. John's College Hostel to Nethaji Arangam via St. Xavier's Collge, Maria Canteen, Library, BSNL Office, PPL Marriage Hall and Azhagumuthu Kone Statute i.e the blue-marked line, as suggested by the police. But, the petitioner insisted to take procession in the red-marked portion. However, in view of the objection raised by the respondents, this Court is of the considered opinion that in order to avoid law and order problem, inconvenience to public and also to maintain public peace, the procession should be conducted in the blue-marked route, as suggested by the Police.

9. In the result, this writ petition is disposed of with a direction to the third respondent to permit the petitioner to carry out procession in the blue-marked route in the plan, as suggested by the police. The petitioner and their people are directed to strictly adhere the conditions imposed on them to conduct procession. If any deviation or contravention to the conditions by the petitioner or their men is noticed, the petitioner is held responsible for all the consequences. No costs.

10. The plan produced by the respondent authorities forms part of this order.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

Herewith enclosed the xerox copy of the route plan.

To:

- 1 THE COMMISSIONER OF POLICE, TIRUNELVELI CITY, TIRUNELVELI.
 - 2 THE DEPUTY COMMISSIONER OF POLICE, TIRUNELVELI CITY, TIRUNELVELI.
 - 3 THE ASSISTANT COMMISSIONER OF POLICE,
PALAYAMKOTTAI SUB DIVISION (LAW AND ORDER), TIRUNELVELI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1CC to the Special Government Pleader, SR.No. 1368

W.P. (MD) No.95 of 2017