

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1983 of 2018
and C.M.P.No.15797 of 2018

- 1.The State of Tamil Nadu
rep.by its Secretary
Department of Home,
Fort St.George, Chennai-600 009.
- 2.The Director General of Police,
DGP Office, Radhakrishnan Salai,
Mylapore, Chennai-600 004.
- 3.The Assistant Superintendent of Police,
Thuckalay Division, Nagercoil,
Kanyakumari District. Appellants

-vs-

Popular Front of India
represented by its District President,
M.Sheik Noordeen,
Nagercoil, Kanyakumari District. Respondent

Appeal filed under Clause 15 of the Letters Patent, against
the order passed by this Court in W.P.No.5532 of 2016 dated
15.02.2016.

WP No.5532/16 dated 15.02.2016

Petition filed under Article 226 of the Constitution of
India Praying for a Writ of certioraified Mandemus Calling for
the records relating to the impugned order made by the 3rd
respondent in C.No.54/SDOT/Camp/2016 dated 11.02.2016 in so far
as it relates to conditions 1 and 4 are concerned and quash the
same as illegal and consequently direct the respondents to
permit the petitioner to undertake the procession as permitted
by the said order wearing uniform and using a musical band on
17.02.2016.

For Appellants :: Mr.R.Govindasamy,
Special Government Pleader

JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

The respondent has filed a writ petition before this Court in W.P.No.5532 of 2016 challenging the order passed by the third appellant herein wherein even though the respondent was granted permission to take out procession, they were restrained from wearing the uniform and to carry out music band during the course of such procession on 17.02.2016. The said writ petition was filed along with three other writ petitions.

2.Considering the facts and circumstances of the case, the learned single Judge observed that this Court neither prescribe any uniform to be attired by the participants during the course of procession nor conduct a roving enquiry as to whether the uniform to be attired by the participants will resemble the armed forces or other para-military forces. Observing so, the learned single Judge, recording the undertaking given by the respondent that they will not conduct any drill and that they will cooperate with the police for the smooth conduct of the procession and that they will not raise any slogan which would be objectionable, gave permission as sought for by the respondent, by a common order dated 15.02.2016.

3.Challenging the order passed in W.P.No.5532 of 2016, the present writ appeal has been filed by the State on the ground that the respondent may likely to conduct drill with huge mass of people in future, which will affect the public at large.

4.When this appeal was taken up, the learned Special Government Pleader appearing for the appellants has submitted that since the procession has already been over, nothing survives in this appeal for consideration.

5.Recording the above submission made by the learned Special Government Pleader, the writ appeal is dismissed. No costs. Consequently the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

KM

To

1.The Secretary to Government,
Government of Tamil Nadu,
Department of Home,
Fort St.George, Chennai-600 009.

2.The Director General of Police,
DGP Office, Radhakrishnan Salai,
Mylapore, Chennai-600 004.

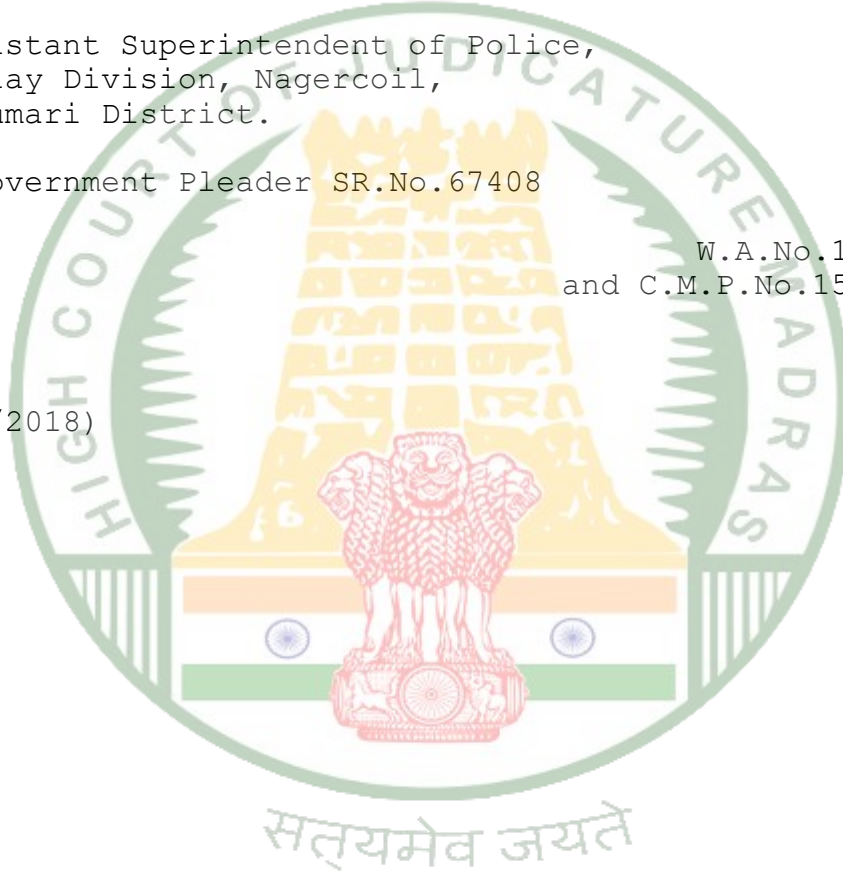
3.The Assistant Superintendent of Police,
Thuckalay Division, Nagercoil,
Kanyakumari District.

+1cc to Government Pleader SR.No.67408

W.A.No.1983 of 2018
and C.M.P.No.15797 of 2018

AD (CO)

GMV (01/11/2018)



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