

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.27617 of 2018
and
W.M.P.No.32162 of 2018

J.Selvam

...Petitioner

Versus

1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.The Inspector of Police,
Sirkazhi Taluk Police Station,
Sirkazhi,
Nagapattinam District.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records made in Na.Ka.No.21/D1 PS/2018, dated 21.09.2018 passed by the 2nd respondent herein and quash the same as illegal and direct the respondent to grant permission to Hold Demonstration on 26.10.2018 at Sirkazhi Old Bus Stand, Nagapattinam District against the Police Excesses of Munisekar, Inspector of Police, Kollidam Police Station, Nagapattinam District.

For Petitioner	: Mr.R.Sankara Subbu
For Respondents	: Mr.M.Mohamed Riyaz Additional Public Prosecutor

ORDER

This Writ Petition has been filed challenging the order passed by the 2nd respondent on 21.09.2018, rejecting the permission to conduct a demonstration, which was scheduled to be held on 26.10.2018 at Sirkazhi Old Bus Stand, Nagapattinam District.

2.It is seen from the records that the respondent police have rejected the application made by the petitioner on the ground that there is a prohibitory order under Section 30(2) of

the Police Act and that the person, who has sought for permission, is an accused in a pending case in Crime No.343 of 2017.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4.The learned counsel for the petitioner would submit that the petitioner wanted to hold the demonstration in order to condemn the action of the police in illegally keeping a person viz., Munisekar in illegal custody. According to the learned counsel for the petitioner, the same is in violation of Human Rights and therefore, the petitioner wanted to condemn the said action of the police by conducting a demonstration.

5.The learned Additional Public Prosecutor on instructions would submit that nothing survives in this writ petition, since the date on which the demonstration was scheduled to be held, is already over.

6.This Court has carefully considered the submissions made on either side and also the materials available on record. The Scheduled date on which the demonstration was planned to be held, is already over. Therefore, no further orders can be passed in this writ petition. However, liberty is granted to the petitioner to make a fresh representation to the 2nd respondent by indicating the venue of the demonstration and also the time during which the demonstration is scheduled to be held. The 2nd respondent on receipt of the representation made by the petitioner shall take a decision strictly in accordance with law and within a period of one week from the date of receipt of a copy of the representation.

7.With the above said direction, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vv2/rm

To

1.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.The Inspector of Police,
Sirkazhi Taluk Police Station,
Sirkazhi,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankara Subbu, Advocate, S.R.No.77327

RSI (CO)
ssm(03/12/2018)

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and
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