



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.31734 of 2018

and

W.M.P. No.36954 and 36955 of 2018

Ramasamy

... Petitioner

Vs.

1. The State rep. by
The Superintendent of Police,
O/o. Superintendent of Police,
Dharmapuri District, Dharmapuri.

2. The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri, Dharmapuri District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent bearing letter No.Na.Ka.En.383/Ka.A/Dharmapuri/ Forecast/18, dated 26.11.2018 and to quash the same and consequently direct the respondents to grant permission to conduct continuous slogan meeting on 03.12.2018 from 10.00 A.M to 4.00 P.M at the venue nearby BSNL office which is situated near to the Dharmapuri bus stand pursuant to the petitioner's representation dated 26.11.2018.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.C.Raghavan

Government Advocate (Crl. Side)

O R D E R

This Writ Petition has been filed challenging the order passed by the second respondent rejecting the permission for conducting the public meeting on 03.12.2018 from 10.00 a.m. to 4.00 p.m. near BSNL office at Dharmapuri.

2.The learned counsel for the petitioner would submit that the petitioner is the founder of Tamil Thesiya Malainadu Makkal Kachi. The petitioner has been fighting for the rights of the



oppressed persons in the society. The learned would further submit that a shocking incident took place at Kalasappadi Village at Dharmapuri District, wherein a school going girl belonging to Schedule Tribe community was raped by two unknown persons and thereafter died out of injuries.

3.The further case of the petitioner is that in spite of giving a complaint to the police, there was absolutely no action on the part of the police and even medical treatment was not given to the victim immediately. In view of the delay in giving the treatment, the victim also died.

4.The learned counsel for the petitioner would submit that the petitioner made a representation to the second respondent seeking for permission to conduct a meeting on 03.12.2018 for exposing the cause of the aggrieved family and also the public outcry caused due to the shocking incident. The second respondent has rejected the representation made by the petitioner. Aggrieved by the same, this writ petition has been filed before this Court.

5.The learned Government Advocate (Crl. Side) would submit that the respondent police have already registered an FIR in Crime No.212 of 2018 against the accused persons under Sections 5 (g), 6 and 18 of POSCO Act r/w 5 (g), 6 POSCO Act, 2012 and 376 (D) r/w 302 of I.P.C. The learned Government Advocate would further submit that departmental action has been taken against the concerned police officials and they have also been transferred. The learned Government Advocate brought to the notice of this Court the impugned order dated 26.11.2018 and submitted that the entire agitation/meeting is conducted only with regard to the pending case before the police and if such an agitation is permitted and every one starts speaking about the case, the same will affect the investigation and prejudice will be caused both for the prosecution as well as the accused persons. Therefore, the learned Government Advocate would submit that the second respondent has rightly rejected the permission sought for by the petitioner.

6.This Court has carefully considered the submission made on either side. Even though the object for which the public meeting/ agitation was arranged by the petitioner is commendable, the same cannot be permitted at this stage since the investigation is going on in the case and any views expressed in the agitation/Meeting will prejudice the interest of the prosecution as well as the accused persons. Therefore, this Court does not find any ground to interfere with the impugned order passed by the second respondent.

7.The learned counsel for the petitioner at this stage on instructions, would submit that a fasting Dharna will be



conducted on the very same day on which the meeting was earlier planned and no one will speak about the incident. The learned counsel would further submit that by conducting a fasting Dharna, no prejudice will be caused to the case which is now under investigation and no one will express any view on the pending case.

8. In view of this subsequent development, this Court is of the considered view that the petitioner can be permitted to conduct a fasting Dharna without permitting any one to make any speech or express their views on the pending case. By doing so, the petitioner and the persons belonging to the said locality will at least have the satisfaction of having expressed their condemnation for the horrific incident that took place on 05.11.2018.

9. The petitioner is directed to make a representation to the second respondent by indicating the venue and the time at which fasting Dharna is going to be conducted. In the said representation, the petitioner shall give a specific undertaking that no one will speak or express any opinion about the incident and the entire agitation will take place in a silent manner without giving rise to any law and order problem. On receipt of the representation, the second respondent shall permit the petitioner to conduct the fasting Dharna by imposing reasonable conditions. The petitioner is bound to comply with the condition imposed by the second respondent.

10. Accordingly, this Writ Petition is disposed of. No costs. Consequently, W.M.P. No.36954 and 36955 of 2018 are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//
Sub Assistant Registrar

ia/vsg1
To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Dharmapuri District, Dharmapuri.
2. The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri, Dharmapuri District.

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.81883

W.P.No.31734 of 2018

RSK(co)
CS/30/11/2018