



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.12.2018

CORAM

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No.23882 of 2018

A.Ajmalkhan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Kunnur Panchayat Union Office,
Theni District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Theni District.

3.The Inspector of Police,
North Police Station,
Kambam,
Theni District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to grant permission for permit the petitioner to conduct agitation near Post Office, Kambam, Theni District on 06.12.2018 from 04.00 p.m., to 6.30 p.m., against the Demolition of Babar Masjid, in accordance with law.

For Petitioner : Mr.R.Alagumani

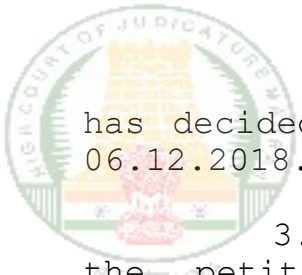
For Respondents : Mr.R.Anandharaj

Addl. Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the second respondent to grant permission for permitting the petitioner to conduct agitation near Post Office, Kambam, Theni District on 06.12.2018 from 04.00 p.m. to 6.30 p.m. against the Demolition of Babar Masjid, in accordance with law.

2.The petitioner is the District Secretary of India Desiya League Katchi. The petitioner is the member of his party wanted to express his grievances with regard to demolition of Babar Masjid and



has decided to show his protest by way of conducting agitation on 06.12.2018.

3.The learned counsel for the petitioner would submit that the petitioner made a representation on 28.10.2018 to the respondents seeking permission to conduct agitation and the said representation was not considered by the respondents. He would further submit that the agitation would be conducted in a democratic manner complying with the conditions, if any, to be imposed by the police. Since the said representation is pending without consideration, the present petition has been filed before this Court.

4.The learned Additional Public Prosecutor, on instructions, would submit that the place that has been chosen by the petitioner to conduct agitation is sensitive place and giving such permission will lead to law and order problem. He would further submit that the permission has also been sought for conducting agitation at the very same place by another group which are politically against the petitioner's party and apprehending law and order problem, the respondents have intended to reject both applications.

5.The third respondent has filed a counter affidavit stating that there are three cases pending against the petitioner and that in respect of the very same place requested by the petitioner to conduct agitation some other organization has also sought for permission and that apprehending law and order problem, the third respondent has intended not to grant permission to any of the person who has sought for permission.

6.At this juncture, the learned counsel for the petitioner would submit that the petitioner is prepared to conduct agitation at any other place at Kambam Town.

7.The learned Additional Public Prosecutor, on instructions, would submit that if the petitioners are prepared to conduct the agitation at RMTC Depot, Kumbam without causing law and order problem, the third respondent is prepared to grant permission, subject to other conditions to be imposed by him.

8.This Court has carefully considered the submissions made on either side.

9.The petitioner is the resident of Theni District. It is well within the right of the petitioner to express the grievances of the members of his party in a democratic manner. The respondent police cannot reject permission for such agitations/demonstration unless very strong grounds are shown before this Court to the effect that it will lead to law and order problem. The petitioner has also agreed to shift the venue of agitation near RMTC Depot, Cumbum as suggested by the respondent police.



10. In the facts and circumstances of the case, this Court is inclined to direct the third respondent police to grant permission to the petitioner to conduct hunger demonstration. Accordingly, the third respondent is directed to grant permission to the petitioner to conduct hunger agitation on 06.12.2018 at the venue agreed by the petitioner viz RMTC Depot, Cumbum. The petitioner is directed to give an undertaking affidavit mentioning that they will not violate any of the conditions imposed on them by the respondent police. It is left open to the third respondent to impose any reasonable conditions, for the purpose of giving such permission to the petitioner and the petitioner is duty bound to comply with the conditions without fail. If the petitioner or the member belonging to his party violate any of the conditions imposed by the third respondent, it is left open to the third respondent to take action in accordance with law.

11. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Kunnur Panchayat Union Office,
Theni District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Theni District.
3. The Inspector of Police,
North Police Station,
Kambam,
Theni District.

+1cc to Mr.R.Alagumani Advocate in SR.No.98391

order made in
W.P. (MD) No.23882 of 2018
03.12.2018

RMI/SKN

PSRSK SAR2 04.12.2018 3P 5C

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