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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.04.2018

CORAM:
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.539 OF 2018

M.Arokkiyam

:Appellant/Petitioner

.vs.

1.The Deputy Superintendent of Police,
Sivagangai Division,
Sivagangai District.

2.The Inspector of Police,
Kalayarkovil Police Station,
Kalayarkovil,
Sivagangai District

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.4252 of 2018, dated 1.3.2018.

Prayer in WP(MD). 4252/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.159/o.pe./Kaa.Thu.Ka.Siva.Vu.Ko./2018 dated 24/02/2018 and quash the same as illegal and consequently direct the 1st respondent to grant permission to the Christian and Minority Federation of Kalayarkovil to hold hunger strike protest on 03/03/2018 or on any other subsequently Saturdays or sundays at the place opposite to Weekly Market i.e. Santhaipettai, which has been marked as one among the three places in kalayarkovil from holding protest of public meetings by respondents.

For Appellant

:M/s.S.P.Maharajan

For Respondents

:Mr.C.M.Mari Chelliah Prabu
Addl.Govt.Pleader



JUDGEMENT

[Judgement of the Court was made by K.RAVICHANDRABABU, J.]

The appellant is the Writ Petitioner. He filed the Writ Petition challenging the order of the first respondent in refusing permission to hold 'Hunger Strike' protest on 03.03.2018 or on any other subsequent Saturdays or Sundays at the place opposite to the Weekly Market i.e, Santhaipettai, which has been marked as one among the three places for holding protest and public meetings by the respondents.

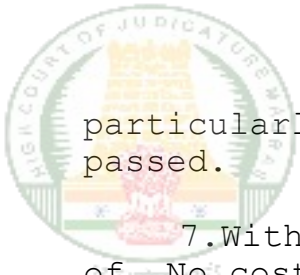
2.The learned Single Judge after hearing both sides, disposed of the Writ Petition by directing the Writ Petitioner to give a fresh representation mentioning the place which is outside the Kalayarkovil Police Station Limit and further direction to the first respondent to consider such representation and pass appropriate orders in accordance with law.

3.Now the grievance of the appellant/Writ Petitioner before us is that the very direction issued by the learned Single Judge to choose a place outside the Kalayarkovil Police Station limit cannot be sustained since the place already chosen by the Petitioner is one among the three places in Kalayarkovil for holding protest and public meetings.

4.On the other hand, the learned Additional Government Pleader, based on instructions, submitted that already three criminal cases are filed arising out of the communal disputes between two groups belonging to two different religions and therefore, the Petitioner has to choose a place outside the area in order to avoid communal disturbance.

5.Heard both sides.

6.A perusal of the order passed by the learned Single Judge would show that the Petitioner was not totally denied of the permission to conduct the 'Hunger Strike' protest. On the other hand, he was directed to choose a place outside the Kalayarkovil Police Station limit by submitting a fresh representation. If there are some unobjectionable places where usually public meetings or protest are held, after permission, within such Police Station limit, it is for the appellant/Writ Petitioner to choose any one of such alternative places and submit a fresh representation to the respondents so as to enable them to pass appropriate orders in accordance with law, as directed by the learned Single Judge. It is also open to the appellant/Writ Petitioner to choose three places of their choice within the Kalayarkovil Police Station Limit to hold such 'Hunger Strike' Protest also by indicating the duration of such strike, with the date and timing. Once such representation is received, the same shall be considered by the respondents, more



particularly, the first respondent and appropriate orders shall be passed.

7. With the above direction, this Writ Appeal stands disposed of. No costs.

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/True copy/

Sd/
Assistant Registrar (CO)

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Sivagangai Division,
Sivagangai District.

2. The Inspector of Police,
Kalayarkovil Police Station,
Kalayarkovil,
Sivagangai District.

+1cc to Mr.S.P.MAHARAJAN, Advocate, SR.No. 59855
+1cc to M/s.Special Government Pleader, SR.No. 60308

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VSN
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