



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2018

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THE HON'BLE MR.JUSTICE P. RAJAMANICKAM

W.P.(MD) No.1510 of 2018

R. Parthiban

... Petitioner

-Vs-

1.State. Rep. by
The Deputy Superintendant of Police,
Samayanallur Sub Division,
Madurai District.

2.The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.

... Respondents

Prayer: This Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in the order bearing No.Nil / 2018 dated nill passed by the second respondent no.2 and quashing the same and directing the respondents to permit the petitioner to conduct the public meeting at Samayanallur, Madurai District on 29.01.2018 from 4.00 pm to 10.00 pm on behalf of his organization.

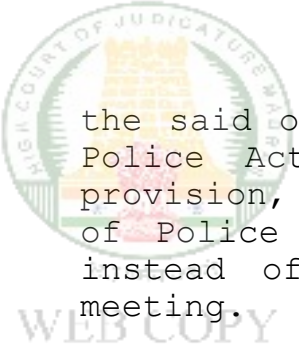
For Petitioner : Mr.C. Ezhilarasu
For Respondents : Mr.V. Anand
Government Advocate

O R D E R

This Writ petition has been filed to quash the order passed by the second respondent and direct the respondents to permit the petitioner to conduct the Public Meeting at Samayanallur, on 29.01.2018 from 4.00 p.m to 10.00 pm, on behalf of his organization.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The learned counsel appearing for the petitioner has submitted that the petitioner is a member of Social Organization viz., Muthukumar Ninaivu Karuvarai and the said organization decided to hold a Public Meeting at Samayanallur on 29.01.2018, from 4.00 pm to 10.00 pm and hence, he has submitted an application to the second respondent on 12.01.2018 seeking permission. He further submitted that the second respondent has informed the petitioner that since the order passed under Section 30(2) of the Police Act, 1961 is in force, the petitioner cannot be permitted to conduct any meeting and



the said order is not in accordance with the Section 30(2) of the Police Act, 1961. He further contended that as per the said provision, the Superintendent of Police or Assistant Superintendent of Police can regulate the procession, public meeting etc., and instead of that they cannot totally ban the conducting of the meeting.

4. The learned Government Advocate appearing for the respondents submitted that the first respondent has passed an order dated 16.01.2018, under Section 30(2) of Indian Police Act stating that any person or party desirous of organizing or conducting procession, public meeting etc., shall apply for and get licence from him well in advance and based on the said order, the second respondent has issued the impugned order rejecting the application given by the petitioner.

5. A perusal of the order passed by the first respondent shows that he has passed an order under Section 30(2) of the Police Act, 1961 stating that if any person or party desirous of organizing or conducting any procession, public meeting etc., within Samayanallur Sub Division limits shall apply for and get licence from him well in advance for such procession, public meeting etc., So, it appears by following the aforesaid order only, the petitioner has submitted an application, but, without assigning any other reason, the second respondent has simply rejected the application of the petitioner by saying since the order under Section 30(2) of Indian Police Act is in force. Therefore, the said order passed by the second respondent dated. Nil / 2018 is quashed and the first respondent is directed to consider the application submitted by the petitioner and pass appropriate orders on or before 27.01.2018.

6. In the result, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police, Samayanallur Sub Division, Madurai District.

2.The Inspector of Police, Samayanallur Police Station, Samayanallur, Madurai District.

+1CC to Mr.C.Ezhilarasan, Advocate, SR.No. 44280

W.P. (MD) No.1510 of 2018

25.01.2018

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<https://hcservices.courts.gov.in/hcservices/>

MRV/SRN RSR/SAR 1/25.01.2018/2P/4C