



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.02.2018

WEB COPY

CORAM
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.3740 of 2018

Thirunavukarasu

... Petitioner

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order in Na.Ka.No.01/Podhu/E2 P.S/18 dated 02/02/2018 on the file of the Respondent No.2 and quash the same as illegal, consequently to direct the Respondents to grant permission for conducting agitation on 24/02/2018 at about 10.00AM to 01.00PM or any other earliest date near Ammapettai Bus stand by considering petitioner's representation dated 19/02/2018 within the time stipulated by this Honourable Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

O R D E R

This writ petition has been filed to quash the impugned order passed in Na.Ka.No.01/Podhu/E2 P.S/18 dated 02/02/2018 on the file of the Respondent No.2 and quash the same as illegal, consequently to direct the Respondents to grant permission for conducting agitation on 24/02/2018 at about 10.00AM to 01.00PM or any other earliest date near Ammapettai Bus stand by considering petitioner's representation dated 19/02/2018 within the time stipulated by this Honourable Court.

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

3. The learned counsel appearing for the petitioner has submitted that in their Village, it was decided for conducting agitation on 24/02/2018 at about 10.00AM to 01.00PM or any other earliest date near Ammapettai Bus stand. He further submitted that the second respondent has rejected the petitioner's representation



by the impugned order dated 02.02.2018 without assigning any valid reason and hence the said impugned order has to be quashed.

4. The learned Additional Government Pleader has submitted that since the communal problems are coming, the petitioner's representation has been rejected by the second respondent. He further submitted that since the petitioner is seeking permission for conducting agitation on 24/02/2018 at about 10.00AM to 01.00PM or any other earliest date near Ammapettai Bus stand, as per the judgment of the Honourable Supreme Court of India in Church of God (Full Gospel) in India Vs K.K.R.Magestic Colony Welfare Association and Others, reported in 2001-1-L-W (CRL) 233, using a loud speaker or a public address system after 10.00 p.m cannot be permitted and hence, on that ground also, the petitioner's representation was rejected.

5. In the impugned order, the second respondent has stated that since communal problems are coming, permission for conducting agitation cannot be granted. The said reason cannot be accepted. Without mentioning the specific events, he cannot pass such kind of order, hence the said order has to be quashed.

6. Since the petitioner is seeking permission for conducting agitation during night hours, as per the aforesaid decision of the Honourable Supreme Court of India, he cannot be permitted to use a loudspeaker or a public address system between 10.00 p.m and 06.00 a.m.. Therefore, the second respondent is directed to consider the petitioner's representation and pass appropriate order by keeping in mind the aforesaid decisions of the Honourable Supreme Court of India.

7. With the aforesaid observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Ammappettai Police Station,
Thanjavur District.

+1cc to Mr.R.ALAGUMANI,Advocate,SR.50855

W.P. (MD) No.3740 of 2018
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