



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.5276 of 2018
(Criminal)

Krishnamurthy

... Petitioner

-Vs-

- 1.The Superintendent of Police,
O/o The Superintendent of Police,
Thoothukudi District.
- 2.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
District Crime Branch (In-charge)
Thoothukudi.
- 3.The Inspector of Police,
South Police Station,
Thoothukudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in se.mu.No.260/u.ka.a (Nagarm)thoodi/18 dated 04.03.2018 on the file of the first respondent and quash the same as illegal and consequently direct the first and second respondents to grant permission for conducting Rally and Public Meeting on 17.03.2018 from 04.30 p.m to 10.00 p.m venue at Rajaji Park to Old Corporation Office, Thoothkudi, Thoothukudi District.

For Petitioner : Mr.S.Vanchinathan
For Respondents : Mr.N.Shanmuga Selvam,
Additional Government Pleader

O R D E R

This writ petition has been filed to direct the second respondent to quash the proceedings issued by the first respondent in se.mu.no.260/u.ka.a (Nagarm)thoodi/18 dated 04.03.2018 and consequently direct the first and second respondents to grant permission for conducting Rally and Public Meeting on 17.03.2018 from 04.30 p.m to 10.00 p.m venue from Rajaji Park to Old Corporation Office, Thoothkudi, Thoothukudi District.



2.The learned counsel appearing for the petitioner has submitted that the petitioner is one of the organizers of the "People's Movement against to close the Sterlite Industry". He further submitted that the Sterlite Industries a part of London based Copper Smelter Industry located in the Thoothukudi District, is polluting ground water in and around the petitioner's area and it causes number of diseases to the people living in nearer to the said plant. He further submitted that the village people in the Thoothukudi District seeking to close the unit, but so far, no action has been taken. Hence, the petitioner's association decided to have protest in a peaceful manner and hence, the petitioner has submitted a representation to the first respondent on 26.02.2018. But the first respondent has rejected the same without assigning any valid reason and hence, the impugned order has to be set aside and consequently, respondents 1 and 2 may be directed to grant permission for the petitioner for conducting Rally and Public Meeting on 17.03.2018.

3.The learned Additional Government Pleader appearing for the respondents has submitted that in the representation submitted by the petitioner, he has stated that the procession will start from Rajaji Park and go upto Old Corporation Office and thereafter, they will conduct public meeting there itself. He further submitted that there is no place in the Old Corporation Office at Thoothkudi, for conducting any meeting. He further submitted that there are two groups one in favour of Sterlite Industries and another one is against the company and if permission is granted to the petitioner for conducting Rally and Public Meeting they would create law and order problem. He further submitted that already five cases have been registered, in respect of protests made by so many groups. He further submitted that at the time of protest the old people and children are being used as shield and hence, the police is not able to control them. He further submitted that already prohibition order has been issued under Section 30(2) of the Police Act, 1861 and hence he strongly opposed this petition.

4.The learned counsel for the petitioner, by way of reply, has submitted that a Division Bench of this Court in C.J.Rajan vs. Deputy Superintendent of Police, Mayiladuthurai and another reported in (2008) MLJ 926 has held that as per the section 30(2) of the Police Act, 1861 the police can regulate the procession and they cannot deny permission for conducting any Rally.

5.Considering the fact that there is no place for conducting meeting in front of the Old Corporation Office, Thoothukudi and also the fact that today the petitioner has filed an undertaking affidavit stating that in the event of granting permission, the association members will obey the instructions of the respondent police, the petitioner is directed to give fresh representation mentioning the fresh date as well as fresh place on or before 17.03.2018 and on such submission of the representation, the second respondent has to consider and pass appropriate order on or before 21.03.2018.



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

WEB COPY

/True Copy/

Sd/-

Assistant Registrar (AD-II)

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o The Superintendent of Police,
Thoothukudi District.
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
District Crime Branch (In-charge)
Thoothukudi.
3. The Inspector of Police,
South Police Station,
Thoothukudi.

+1cc to M/S.S.Vanchinathan, Advocate SR.No. 55557
+1cc to Special Government Pleader, SR.No. 55952

W.P. (MD) No. 5276 of 2018
(Criminal)
15.03.2018

cp

JM/SKN RSK/SAR 4/16.03.2018/3P/6C