



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.21538 of 2018

Suresh @ Elanthamilan

... Petitioner

Vs.

1.The Superintendent of Police,  
Theni District, Theni.

2.The Deputy Superintendent of Police,  
Theni, Theni District.

3.The Inspector of Police,  
Allinagaram Police Station,  
Theni District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the rejection order in Na.Ka.No.32/Ka.Aa/A.Ka.Ni./2018, dated 06.10.2018 of the 3<sup>rd</sup> respondent, dated 06.10.2018 and quash the same and consequently, to direct the respondents to grant permission to conduct demonstration scheduled to be held on 15.10.2018 at Fathima Theatre Auto Stand, Allinagaram, Theni District.

For Petitioner : Mr.Manickam  
for Mr.R.Manoharan

For Respondents : Mr.N.Shanmugaselvam,  
Additional Government Pleader

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**ORDER**

This writ petition has been filed seeking an order of Writ of Certiorarified Mandamus to call for the records relating to the order passed by the third respondent, the Inspector of Police, Allinagaram Police Station, Theni District, and to quash the same.



2. In the affidavit in support of the writ petition filed by the District Secretary of Athi Thamilar Peravai, Theni District, it had been stated that they intended to conduct a demonstration on 15.10.2018 at Fathima Theatre Auto Stand to protest against the untouchability practiced against the Athi Thamilar in Theni District.

3. This writ petition came up for consideration on 12.10.2018 and the learned Judge had granted permission to move the writ petition before the vacation Court.

4. During arguments, the learned Counsel for the petitioner stated that they would conduct the demonstration on 26.10.2018 between 10.00 am and 12.00 noon at Fathima Theatre Auto Stand, Allinagaram, Theni District. The respondent must take note of the fact that in a democratic country, like ours, various organisations raise their voices against the prejudice caused to them by the general society. Curtailing the voice is not the answer. Rather, a balanced approach must be taken by ensuring that the law and order is maintained and there is no disturbance to peace and tranquillity in that area and that the public are not put to loss or hardship. The respondent police should ensure the above and society expects them to stand up and discharge their duty on such occasion.

5. In the present case, Athi Thamilar Peravai, Theni District, had sent a representation seeking permission to conduct a demonstration to protest against untouchability, which according to them, is still practiced in Theni District. In my considered opinion, rejection or refusal of grant of permission may not be proper. The respondents are directed to grant permission and put in place necessary conditions to ensure that no untoward incident happens. The petitioner is directed to give an undertaking that they would not put up flex board or banner criticizing any community or political party. They should not take out procession. They should not indulge in slanderous speeches. They should behave with responsibility and set an example to other such organisations. They should also give an undertaking to the police that there would not be any disturbance to public peace and tranquillity and there would not be any loss to any public property and that the general public would not be put to hardship.

6. The respondents are at liberty to impose any other conditions. The respondents may grant permission on the lines of the above conditions for the petitioner to conduct demonstration on 26.10.2018 between 10.00 am and 12.00 noon at Fathima Theatre Auto Stand, Allinagaram, Theni District or at any other place notified by the respondent police for such purpose.



7. With the above observation, the writ petition is allowed and the impugned order dated 06.10.2018 passed by the third respondent is set aside. No costs.

WEB COPY

Sd/-  
Vacation Officer

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,  
Theni District, Theni.
2. The Deputy Superintendent of Police,  
Theni, Theni District.
3. The Inspector of Police,  
Allinagaram Police Station,  
Theni District.

+1 CC To MR.R.MANOCHARAN, Advocate SR. NO. 90956  
+1 CC TO The Special Government Pleader SR.NO. 90926

W.P. (MD) No. 21538 of 2018  
16.10.2018

CMR  
TR/RSK/SAR-IV(17.10.2018) 3P 6C