



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

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W.P.(MD)No.7358 of 2018

and

WMP(MD)No.7050 of 2018

Geetha Jeevan

... Petitioner

Vs.

1.The Additional Superintendant of Police,
Turicorin City,
Turicorin.

2.The Inspector of Police,
South Police Station,
Tuticorin.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Rejection order passed by the 1st respondent in his proceeding in Se.Mu.Aa.No.139/Camp/U.Ka.A(Town)/Tudi/18 dated 02/04/2018 and quash the same as illegal and consequently direct the 1st and 2nd respondents to give permission to the petitioner and her party and to provide sufficient protection for the peaceful protest scheduled to be conducted on 04/04/2018 at about 4.00 pm at Palai Road, VVD Signal near Chidambara Nagar Bus stand, Tuticorin.

For Petitioner : Mr.N.Anandkumar

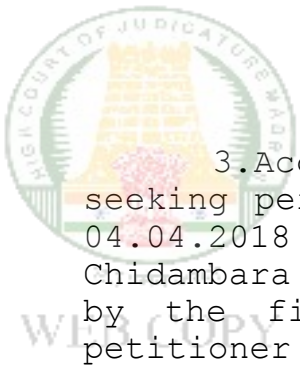
For Respondents : Mr.K.Chellapandian

Additional Advocate General
assisted by Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

This writ petition has been filed seeking to quash the impugned rejection order passed by the first respondent in his proceedings in Se.Mu.Aa.No.139/Camp/U.Ka.A(Town)/Tudi/18 dated 02/04/2018 and consequently direct the respondents 1 and 2 to give permission to the petitioner and her party and provide sufficient protection for the peaceful protest, scheduled to be conducted on 04.04.2018 at about 4.00 pm. at Palai Road, VVD Signal near Chidambara Nagar Bus stand, Tuticorin.

2.The learned Additional Government Pleader takes notice for the respondents.
<https://hcservices.ecourts.gov.in/hcservices/>



3. According to the petitioner, the petitioner made a request, seeking permission to conduct the protest, scheduled to be held on 04.04.2018 at about 04.00 pm. at Palai Road, VVD Signal near Chidambara Nagar Bus stand, Tuticorin. The said request was rejected by the first respondent. Challenging the aforesaid order, the petitioner has preferred this writ petition.

4. The learned Additional Advocate General appearing for the respondents submitted that the first respondent has passed a detailed order, rejecting to grant permission to conduct protest at Palai Road, VVD Signal near Chidambara Nagar Bus stand, Tuticorin, stating that, if any permission is granted to conduct protest, the same would create law and order problem and it would cause hindrance to the general public and it will also affect the free flow of traffic in the area.

5. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to abide any of the conditions to be imposed by this Court. He would also contend that the organiser of the party will file an undertaking affidavit before the authority concerned stating that they will not create any law and order problem, during protest and they will abide by all the conditions.

6. Recording the aforesaid submission made by the learned counsel appearing for the petitioner, this Court is inclined to impose the following conditions:

(i) The aforesaid protest can be scheduled today (04.04.2018) between 07.00 pm. and 08.30 pm. in the above said place.

(ii) The agitators should not be more than 500 in numbers.

(iii) The Speaker should not make any provoking or inflammatory speech against any political parties or any organization.

(iv) The agitators should not cause any hindrance to the traffic or create any law and order problem and breach of public peace and tranquillity.

(v) They should not erect any stage or platform in the road.

(vi) Students should not be allowed to participate in the aforesaid protest, organised by the petitioner.

(vii) The petitioner should not incite any violence or cause any disturbance to the general public.

7. To the said extent, the petitioner/organiser has to file an undertaking affidavit before the first respondent that they will abide by all the above said conditions.



8. In view of the above, this writ petition is allowed and the impugned order passed by the first respondent dated 02.04.2018 is set aside. No costs. Consequently, WMP(MD)No.7050 of 2018 is closed.

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Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Superintendant of Police,
Turicorin City,
Turicorin.

2. The Inspector of Police,
South Police Station,
Tuticorin.

+1cc to M/S.N.Anandkumar, Advocate SR.No. 59773

W.P. (MD) No. 7358 of 2018
04.04.2018

mj

JM/SV MMS/SAR 4/04.04.2018/3P/4C