



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P.[MD] No.21660 of 2018

S.Adhiveeran

: Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai District.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order in Na.Ka.No.652/SPG/KA.THU.KA.SIVA. UO.KO./2018 dated 11.10.2018 on the file of the Respondent No.3, consequently directing the Respondents to permit the members of Tamil Puligal Katchi to pay Homage and Honor to the freedom fighter "Veerathai Karumpuli Kuyili" on 19.10.2018 at "Veerathai Karumpuli Kuyili" memorial place at Sivagangai District situating within the campus of "freedom fighter queen Thirumathi Velunachiyar memorial place" and quash the same as illegal within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mrs.S.Srimathi

Special Government Pleader

O R D E R

[Order of the Court was made by **S.S.SUNDAR, J.**]

This Writ Petition has been filed for a Writ of Certiorarified Mandamus to quash the impugned proceedings of the third respondent in Na.Ka.No.652/SPG/KA.THU.KA.SIVA.UO.KO./2018 dated 11.10.2018 and to direct the respondents to permit the members of Tamil Puligal



Katchi to pay Homage and Honor to the freedom fighter Veerathai Karumpuli Kuyili on 19.10.2018 at Veerathai Karumpuli Kuyili memorial place at Sivagangai District situated within the campus of "freedom fighter queen Thirumathi Velunachiyar memorial place.

2.The petitioner states that he is the State Deputy Finance Secretary of the organization known as Tamil Puligal Katchi. The organization, namely, Tamil Puligal Katchi wanted to pay Homage and Honor to the freedom fighter Veerathai Karumpuli Kuyili at the memorial place for Kuyili in Sivagangai District. It is stated that the petitioner had made a representation to the respondents, seeking permission to pay Homage and Honour to the freedom fighter. It is stated that the organization has planned to have tribute function on 19.10.2018 at Sivagangai Town. It is not in dispute that the memorial was constructed by the Government itself remembering the freedom fighter Veerathai Karumpuli Kuyili. Only on anticipating law and order problem the representation of the petitioner was rejected.

3.The learned Special Government Pleader appearing for the respondents submitted that last year permission was granted to the organization of the petitioner and that several complaints have been received and hence the representation of the petitioner was rejected.

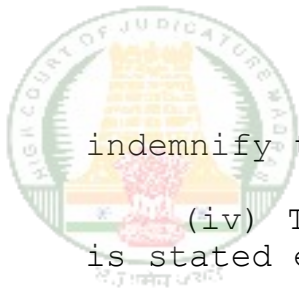
4.There is no record to show that any F.I.R. has been registered during the past. In such circumstances, considering the nature of grievance of the petitioner and the fact that the petitioner wants only to pay Homage and Honour to the freedom fighter, this Court is of the view that the respondents can permit the petitioner organization to pay Homage and Honour to the freedom fighter subject to any reasonable conditions that are required to maintain law and order and public tranquility.

5.Accordingly, this Writ Petition stands allowed and impugned order dated 11.10.2018 stands set aside, directing the third respondent to pass orders on the representation of the petitioner on or before 18.10.2018, granting permission to the petitioner's organization to pay Homage and Honour to the freedom fighter Veerathai Karumpuli Kuyili subject to the following conditions:

(i) Considering the fact that any voluntary or non-voluntary act of the organizer or participants may invite communal problems, the respondents are directed to ensure that no banner or flex Boards projecting or criticizing any communal or political personality is permitted.

(ii) There cannot be any procession by the petitioner's organization.

(iii) The leader of the organization or the organizer of the function can be asked to give an undertaking that in the event of any loss to the public property on account of any violation he would



indemnify the Government or the private concerned.

(iv) The third respondent can impose any other condition as it is stated earlier and any reasonable restriction regarding the time.

No costs.

Sd/-

Assistant Registrar(CS III)

/True Copy/

Sub Assistant Registrar(CS II)

sj

To

- 1.The District Collector,
Office of the District Collector,
Sivagangai District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.
- 3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sivagangai District.

1CC TO MR. R. ALAGUMANI, ADVOCATE SR 90916
1CC TO THE SPL GOVT PLEADER SR 90906

DS SKN SAR 2
16 10 2018
3P 6C

**Order made in
W.P. [MD] .No.21660 of 2018**

Dated: 16.10.2018