



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.12622 of 2018

Thirumalaikumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Surandai Police Station,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the Respondents to consider the petitioner's representation dated 07.06.2018 and permit the Petitioner to hold public demonstration on 14.06.2018 or any other date near Pottal madasamy Kovil, Surandai, Tirunelveli District.

For Petitioner : Mr.M.Karthikeyavenkatachalapathy

For Respondents : Mr.M.Karuppasamy
Government Advocate

O R D E R

This writ petition has been filed seeking direction to the respondents to consider the petitioner's representation dated 07.06.2018 and permit the petitioner to hold public demonstration on 14.06.2018 or any other date near Pottal madasamy Kovil, Surandai, Tirunelveli District.

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

3.According to the petitioner, he made a representation to the respondents on 07.06.2018 seeking permission to conduct demonstration on 14.06.2018. Since no order has been passed on the petitioner's representation, this writ petition has been filed.



4.The second respondent has filed counter affidavit stating that already a case has been registered against the petitioner and others on 18.12.2017 in Crime No.375 of 2017 for the offences under Sections 143 and 188 IPC and 4(1) of the Tamil Nadu Open Places Prevention of Disfigurement Act, 1959 and the same is pending. Further, the Executive Officer, Surandai Police Station has preferred a complaint against the petitioner, based on which, another complaint has also been registered against the petitioner in Crime No.214 of 2018 on 05.06.2018 for the offences under Sections 294(b), 353 and 506(i) IPC. Further it is stated in the counter that if permission is granted to the petitioner, there will be personal attack on the said Executive Engineer by using unparliamentary words, due to the criminal complaint lodged against the petitioner.

5.Per contra, the learned counsel appearing for the petitioner submitted that no occurrence will take place as stated by the respondent police. Further, on the aforesaid ground, the permission sought by the petitioner cannot be denied.

6.However, it is seen that the prayer sought in the writ petition has become infructuous and therefore, this writ petition deserves to be dismissed.

7.In fine, this writ petition is dismissed giving liberty to the petitioner to give fresh representation to the respondents, if he is so advised. No costs.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Surandai Police Station,
Tirunelveli District.

+1CC to Mr.M.Karthikeya Venkitachalpathy, Advocate in SR.No.69562.

MJ

DS/RSK/SAR-3 :25.06.2018: 2P/4C

W.P. (MD) No.12622 of 2018
22.06.2018