



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE. D. KRISHNAKUMAR

WEB COPY

W.P. (MD) No.13692 of 2018

K.M.Ahamed Iqbal

... Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi.

3.The Inspector of Police,
South Police Station,
Thoothukudi,
Thoothukudi District.

4.The Inspector of Police,
Central Police Station,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to accord permission for the petitioner and his party to hold public meeting at V.V.D.Signal Chidambaram Nagar Bus Stop on 03.07.2018 from 5.00 p.m., to 10.00 p.m.

For Petitioner : M/s.T.Villavankothai

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by
K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking direction to the respondents herein to accord permission for the petitioner and his party to conduct a public meeting at V.V.D.Signal Chidambaram Nagar Bus Stop on 03.07.2018 from 5.00 p.m., to 10.00 p.m., on the basis of the petitioner's representation dated 11.06.2018.



2.The learned counsel appearing for the petitioner submitted that the petitioner has made a representation dated 11.06.2018 to the respondents to grant permission to conduct procession and public meeting at V.V.D.Signal Chidambaram Nagar Bus Stop on 03.07.2018 from 5.00 p.m., to 10.00 p.m. and the said request was rejected by the respondents.

3.It is further submitted that the Communist Party of India (Marxist) has made a representation on 08.06.2018 to the second respondent to grant permission to conduct procession and public meeting and the said request was rejected by the second respondent and challenging the aforesaid rejection order, W.P.(MD) No.12920 of 2018 has been filed before this Court and this Court has allowed the petition with certain conditions. Therefore, the petitioner has filed the present writ petition, seeking permission to conduct the public meeting at V.V.D.Signal Chidambaram Nagar Bus Stop, Tuticorin, on 03.07.2018 from 5.00 p.m., to 10.00 p.m, imposing similar conditions mentioned in the said writ petition. The learned counsel appearing for the petitioner further submitted that the petitioner also undertakes to file an undertaking affidavit that he will abide by the conditions to be imposed by this Court and also stating that number of participants will not exceed 1000 in numbers.

4.The learned Additional Advocate General appearing for the respondents would submit that the petitioner's representation is pending with the second respondent/Deputy Superintendant of Police, Tuticorin. Therefore, it is open to the petitioner to submit his undertaking affidavit before the second respondent stating that the participants will not exceed 1000 in numbers and the petitioner shall also produce necessary particulars as required by the second respondent. If the petitioner satisfies the second respondent by providing necessary particulars along with undertaking affidavit, the petitioner's representation will be considered in accordance with law.

5.In the light of the above submissions made by the learned counsel for the petitioner and also in the light of the submission made by the learned Additional Advocate General, this Court is inclined to pass the following order:

(i)The petitioner is directed to approach the second respondent/Deputy Superintendant of Police, Thoothukudi Town and furnish all the necessary particulars on or before 28.06.2018;

(ii)If any other particulars is required by the second respondent, the same shall be called for from the petitioner;

(iii)The petitioner is also directed to give an undertaking affidavit before the second respondent on or before 28.06.2018, stating that the participants will



not exceed 1000 in numbers and the petitioner will abide by all the conditions to be imposed by the second respondent.

(iv) On receipt of the necessary particulars as well as undertaking affidavit, the second respondent shall consider the petitioner's representation afresh and pass appropriate orders on merits and in accordance with law on or before 01.07.2018.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

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

2. The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi.

3. The Inspector of Police,
South Police Station,
Thoothukudi,
Thoothukudi District.

4. The Inspector of Police,
Central Police Station,
Thoothukudi,
Thoothukudi District.

+1cc to M/s. T. VILLAVANKOTHA I, Advocate, SR.No. 70198
+1cc to M/s. Special Government Pleader, SR.No. 70236

W.P. (MD) No. 13692 of 2018
27.06.2018

PNN

KK/SKN RSK/SAR-3/28.06.2018/3P-7C/