



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13850 of 2018

and

W.M.P. (MD) No.12584 of 2018

WEB COPY

B.M.Tamil Manthan

.. Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District,
Tuticorin.

2.The Deputy Superintendent of Police,
Tuticorin City,
Tuticorin.

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

4.The Sub-Inspector of Police,
South Police Station,
Tuticorin.

.. Respondents

Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent vide his proceedings in CHE.Mu.Aa.No.231/Mugam/VU.Ka.A (Nagaram)/TUTI/2018, dated 20.06.2018, quash the same and consequently to direct the respondents to grant permission to the petitioner to conduct the memorial program as a token of respect to the 13 persons, who have lost their life in the protest against Sterlite, which is scheduled on 30.06.2018 or other date between 6.00 p.m. and 9.00 p.m., based on the representation sent by the petitioner on 15.06.2018.

For Petitioner : Mr.Niranjan.S.Kumar

For Respondents : Mr.Chellapandian
Additional Advocate General
Assisted by Mr.M.Karuppasamy
Government Advocate



O R D E R

This Writ Petition has been filed seeking to quash the proceedings of the second respondent in CHE.Mu.Aa.No.231/Mugam/VU.Ka.A (Nagaram)/TUTI/2018, dated 20.06.2018, and consequently to direct the respondents to grant permission to the petitioner to conduct memorial program as a token of respect to the 13 persons, who have lost their lives in the protest against Sterlite, which is scheduled to be held on 30.06.2018 or other date between 6.00 p.m. and 9.00 p.m., based on the representation sent by the petitioner on 15.06.2018.

2.The petitioner is the Chief Organizer of Anti Sterlite Movement, an Association started in the year 1995 with 30 members. During the protest made by the General Public, the respondent police opened fire against the protestors and as a result, 13 persons lost their lives. Subsequent to the said incident, the Government of Tamil Nadu has taken a policy decision and have closed the Sterlite Industry.

3.According to the petitioner, as a token of respect to the 13 persons who have lost their lives on 22.05.2018, he wanted to honour them by conducting a memorial program in order to recognize their sacrifice. Therefore, he made a representation to the respondent police seeking permission to conduct a memorial program as a token of respect to the said 13 persons on 30.06.2018 between 6.00 p.m. to 9.00 p.m. On receipt of the said representation, the second respondent has rejected the same. Challenging the said rejection order, the petitioner has come forward with the present writ petition.

4.The learned counsel appearing for the petitioner submitted that in similar cases, this Court has entertained the Writ Petitions and quashed the rejection order passed by the respondent police. He further submitted that the participant in the above said meeting will be hardly around 100 to 150 persons and therefore, no prejudice would be caused to the respondent police to grant permission to the petitioner to conduct the said program.

5.The learned Additional Advocate General appearing for the respondents submitted that the petitioner has made a representation in the guise of Association and admittedly, the petitioner is not a registered Association and therefore, the learned Additional Advocate General has raised a preliminary objection that the present writ petition filed by the petitioner in individual capacity, is not maintainable. Further, the learned Additional Advocate General submitted that if permission is granted to the petitioner to conduct the said meeting, it would be possible to control the participants in the said meeting. Therefore, the said writ petition is liable to be rejected on the ground of locus



standi of the writ petitioner.

6. Adverting to the above said contentions of the learned Additional Advocate General, the learned counsel for the petitioner fairly submitted before this Court that the participant has to make fresh application in individual capacity for the memorial program as a token of respect to the 13 persons, who have lost their lives on 22.05.2018. In the light of the earlier order passed by this Court, if the individual participant makes an application, the second respondent may be directed to consider the same by considering their antecedents and grant permission to conduct the memorial program.

7. In response to the above said submission made by the learned counsel for the petitioner, the learned Additional Advocate General submitted that criminal cases have been registered against various persons and therefore, those who have involved in the criminal cases, cannot be permitted to participate in the above said memorial program. If any other participants make any application, the second respondent will consider the same in accordance with law.

8. Further, the learned counsel for the petitioner undertakes that the participants will abide by the reasonable conditions imposed by the respondent police at the time of granting permission.

9. In the light of the above said submission of both the parties, this Court is inclined to pass the following order:

(1) The participants of the above said memorial program are directed to make fresh applications to the second respondent on or before 30.06.2018 disclosing their full address and particulars.

(2) On receipt of the said applications, the second respondent shall take note of the above fact and to consider the applications and pass orders in accordance with law on or before 05.07.2018, without being influenced by the observations made in the impugned order dated 20.06.2018. Thereafter, in the aforesaid order, the second respondent shall also fix the date and time so as to enable the participants to conduct the memorial program on that day.

(3) In the event of permission is granted, the second respondent police shall serve a copy of the said order, two days in advance to the petitioner to conduct the program, so as to enable the participants to make arrangement to attend the program.

10. Further, it is made clear that the total number of participants shall not exceed fifty for the above said memorial program to be conducted on the date fixed by the second respondent police. In case of violations, it is open to the respondent police to take action in accordance with law.



This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar (CS-II)

WEB COPY/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
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2.The Deputy Superintendent of Police,
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Tuticorin.

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South Police Station,
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4.The Sub-Inspector of Police,
South Police Station,
Tuticorin.

+1cc to Mr.NIRANJAN S.KUMAR, Advocate, SR.No.70573

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