



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.22005 of 2018

R.K.Baskar

... Petitioner

vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Madurai Town,
Madurai.

3.The Inspector of Police,
B-3, Theppakulam Police Station,
Madurai.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter of the second respondent in No.252/Camp/A.C/L & O/2018 dated 25.10.2018 and quash the same as illegal, arbitrary and against natural justice and consequently direct the second respondent to give permission as per the representation dated 20.10.2018 at Munichalai in Madurai City (permitted place) at 06.00 p.m., to 08.00 p.m., on 26.10.2018 or any other date as fixed by this Court.

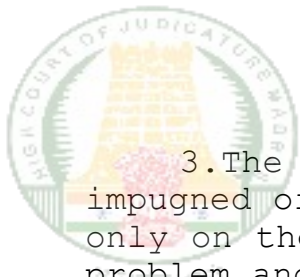
For Petitioner : Mr.R.Ramachandran

For Respondents : Mr.B.Bhagawathi
Government Advocate

O R D E R

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned letter of the second respondent in No.252/Camp/A.C/L & O/2018 dated 25.10.2018 and consequently direct the second respondent to give permission as per the representation dated 20.10.2018 at Munichalai in Madurai City (permitted place) at 06.00 p.m., to 08.00 p.m., on 26.10.2018.

2.The petitioner is the Managing Trustee of Tamil Nadu Sourashtra Maha Sabha, Madurai. The petitioner had approached the respondent police seeking for permission to conduct the agitation between 06.00 p.m., to 08.00 p.m., today (26.10.2018) at Munichalai, Madurai City.



3.The respondent police have rejected the permission by an impugned order dated 25.10.2018. The rejection order has been passed only on the ground that the same will give raise to a law and order problem and in the public interest.

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4.The respondent police have passed the impugned order without any basis or materials. A permission for public meeting or agitation cannot be rejected on a mere apprehension of law and order problem. Particularly, in this case, the petitioner's organization has sought for permission only for a period of two hours. Therefore, the respondent police ought to have considered the grant of permission by imposing reasonable conditions.

5.Accordingly, the impugned order passed by the second respondent is hereby quashed. The second respondent is directed to grant permission to the petitioner to conduct the agitation at Munichalai, Madurai City between 06.00 p.m., to 08.00 p.m., today (26.10.2018). It is open to the second respondent to impose any reasonable conditions in order to ensure that the agitation caused on peacefully without giving raise to any law and order problem. The petitioner is bound to comply with the conditions imposed by the second respondent.

6.In the result, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Madurai Town,
Madurai.

3.The Inspector of Police,
B-3, Theppakulam Police Station,
Madurai.

Mm

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