

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.11.2018****CORAM:****THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA****W.P. (MD) No.23604 of 2018**

P.Alagesan

.. Petitioner

vs.

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

2. The Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi,
Pudukottai District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to grant permission for demonstration for seeking CBI Enquiry for death of V.Ramesh, Student, II year Civil Engineering at Mount Zion Engineering College, Pudukottai District, on 01.12.2018 at about 11.00 a.m. to 2.00 p.m. opposite to Ponnamaravathy Bus Stand, Pudukottai District.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor**ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to grant permission for demonstration, seeking CBI Enquiry for the death of one V.Ramesh, Student, II Year Civil Engineering at Mount Zion Engineering College, Pudukkottai District, on 01.12.2018 at about 11.00 a.m. to 2.00 p.m., opposite to Ponnamaravathy Bus Stand, Pudukkottai District.

2.The petitioner is the President of the Nangu Nadu Adi Dravidar Aiykkia Sangam. The main motto of the petitioner's Sangam is for empowerment of Adi Dravidar People. According to the petitioner, a student namely, V.Ramesh, who studied in II Year Civil Engineering at Mount Zion Engineering College, Lenavilakku, Pudukkottai District, died on suspicious circumstances at Railway Track, nearby the College. But, the Railway Police registered a case



as suicide and investigated the matter and therefore, the petitioner wants CBI enquiry in the matter and has decided to show his protest by way of conducting a demonstration.

3. The learned counsel for the petitioner would submit that the petitioner made a representation on 22.11.2018 to the respondents seeking permission for demonstration and the said representation was not considered. He would further submit that though the prayer has been sought to conduct demonstration on 01.12.2018, the petitioner is prepared to conduct the demonstration on 13.12.2018, which is convenient to the respondents also. In cases, where similar requests were not considered by the authorities, similarly placed persons have approached this Court and this Court in W.P(MD)No.19804 of 2018 and W.P(MD)Nos.22457 and 22488 of 2018 had directed the police to grant permission to them. Therefore, the petitioner has filed the present writ petition before this Court for the relief stated supra.

4. The learned Additional Public Prosecutor, on instructions, would submit that the place that has been chosen by the petitioner to conduct demonstration is sensitive place and giving such permission will lead to law and order problem. He would further submit that the demonstration must be conducted with a limited number of people and if large number of people gathered in the venue, it will create unnecessary hardship to the general public.

5. This Court has carefully considered the submissions made on either side.

6. The petitioner is the resident of Pudukkottai District. It is well within the right of the petitioner to express their grievances and view by way of demonstration in a democratic manner. The respondent police cannot reject permission for such a demonstration unless very strong grounds are made out before this Court to the effect that it will lead to law and order problem.

7. In the facts and circumstances of the case, this Court is inclined to direct the second respondent to grant permission to the petitioner to conduct demonstration. Accordingly, the second respondent is directed to grant permission to the petitioner to conduct demonstration on 13.12.2018 at the venue indicated by the petitioner. The petitioner is directed to give an undertaking affidavit mentioning that they will not violate any of the conditions imposed on them by the respondent police. It is left open to the second respondent to impose any reasonable conditions, for the purpose of giving such permission to the petitioner and the petitioner is duty bound to comply with the conditions without fail. If the petitioner or the member belonging to his Sangam violate any of the conditions imposed by the second respondent, it is left open to the second respondent to take action in accordance with law.



8. The Writ Petition is disposed of with the above directions.
No costs.

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Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police,
Pudukottai District,
Pudukottai.
2. The Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi,
Pudukottai District.

+1cc to Mr.S.Sankar, Advocate Sr.No.98076

SMN2

KM/BK/SAR3/05.12.2018/3P/4C

W.P. (MD) No.23604 of 2018
30.11.2018