

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5960 of 2019

and

W.M.P.No.6782 of 2019

P.Karthikeyan,
S/o.Ponna Gounder,
No.328/2, Kannadasan Street,
K.K.Nagar (NGO Nagar Nort),
Chengalpet, Kancheepuram District. ... Petitioner

Vs.

1.The Inspector of Police,
Town Police Station,
Chengalpet, Kancheepuram District.

2.The Superintendent of Police,
Kancheepuram District,
Kancheepuram. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 1st respondent Na.Ka.No.2/Chengai Town/PS 2019, office of the Inspector of Police, Chengalpet Town Police Station, dated 26.02.2019 and quash the same and directing the 1st respondent to permit the petitioner to hold the hall meeting on 03.03.2019 at Municipality Thirumana Mandapam, Chengalpet, Kancheepuram District is within the limits of 1st respondent.

For Petitioner :Mr.R.Sankarasubbu

For Respondents :Mr.A.Kumar
Additional Advocate General VII
Assisted by Mr.E.Balamurugan,
Special Government Pleader

O R D E R

The petitioner has filed this petition to quash the order of the 1st respondent Na.Ka.No.2/Chengai Town/PS 2019, dated 26.02.2019 and to direct the 1st respondent to permit the petitioner to have the hall at Municipality Thirumana Mandapam, Chengalpet, Kancheepuram District, for the meeting to be held on 03.03.2019.

2.The learned counsel for the petitioner would submit that under Section 41 (4) of the Madras City

Police Act, 1888, before rejecting the prayer, the petitioner should have been given an opportunity of hearing. The relevant provision is extracted as follows:

"(4) Except in cases where immediate action is necessary for the preservation of the public peace or public safety no order refusing to grant permission shall be passed under clause (b) of sub-section (3) without giving the person concerned an opportunity of appearing before the Commissioner either in person or by pleader and showing cause against the order refusing to grant permission and the Commissioner shall record in writing the reasons for such order."

3. The learned Government Pleader also would submit that no opportunity was given to the petitioner before passing the order of rejection dated 26.02.2018.

4. Considering the facts and circumstances of this case, without going into the other grounds raised by the petitioner and based on the representation of the learned Government Pleader, the impugned order dated 26.02.2019 on the file of the first respondent police is set aside. The 1st respondent is directed to consider the representation of the petitioner, after giving him the opportunity of hearing and pass orders afresh on merits in accordance with law.

With this direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/--

Assistant Registrar (CS)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

sai/rna

To

1. The Inspector of Police,
Town Police Station,
Chengalpet, Kancheepuram District.

2. The Superintendent of Police,
Kancheepuram District, Kancheepuram.

+1cc to Mr. R. Sankarasubbu, Advocate SR.No. 19122

W.P.No.5960 of 2019

A.SK (01/03/2019)