

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7145 of 2019 and
W.M.P.No.7870 of 2019

Gowsalya

... Petitioner

Vs.

1. The State rep. by
The Superintendent of Police,
O/o Superintendent of Police,
Thiruppur District,
Thiruppur.

2. The Inspector of Police,
Madathukulam Police Station,
Madathukulam,
Thiruppur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to grant permission to conduct the Programme for commemoration of Deceased Sankar on 13.03.2019 at the venue nearby Kumaralingam bus stop pursuant to the petitioner representation dated 04.03.2019 and 06.03.2019.

For Petitioner : Mr.R.Thirumoorthy

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent to grant permission to conduct the Programme for commemoration of Deceased Sankar on 13.03.2019 at the venue nearby Kumaralingam bus stop pursuant to the petitioner representation dated 04.03.2019 and 06.03.2019.

2. Heard, Mr.R.Thirumoorthy, the learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, Additional Public Prosecutor appearing for the respondents.

3. The petitioner apprehends that his request to conduct the Programme for commemoration of Deceased Sankar on 13.03.2019 at the venue nearby Kumaralingam bus stop by representation dated 04.03.2019 and 06.03.2019 would be rejected on the reason that there is a likelihood of law and order problem. On this issue, this Court as well as the Hon'ble Supreme Court in various cases have held that the conduct of peaceful meeting is a fundamental right and therefore, the respondents cannot deny permission on the reason that there is a likelihood of law and order problem.

4. It is needless to point out that if at all, there is any likelihood or a situation of law and order, it is the duty of the respondent police to safeguard the situation and keep in under control. Hence, the second respondent is directed to consider the representation dated 04.03.2019 and 06.03.2019 and pass positive order on merits and in accordance with law. However, the second respondent while passing orders on the representation of the petitioner shall keep in mind the situation and law and order problem.

5. With the above directions, this Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

pds/lok

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o Superintendent of Police,
Thiruppur District,
Thiruppur.

2. The Inspector of Police,
Madathukulam Police Station,
Madathukulam,
Thiruppur District

3. The Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Thirumoorthy, Advocate,SR.No.23105

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Kak(12/03/2019)