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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.12.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

&

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.Nos.35712 & 35713 of 2019
and W.M.P.No.36634 of 2019

W.P.No.35712 of 2019

Varaaki
S/o.Radhakrishnan
Founder and President
Indian Makkal Mandram
No.2/3, Sudhananda Bharathi Street,
Ganapathipuram, East Tambaram,
Chennai-600 059.

... Petitioner

-vs-

1. The Chief Secretary,
Secretariat, St.George Fort,
Chennai-600 009.
2. The Home Secretary,
Secretariat, St.George Fort,
Chennai-600 009.
3. The Director General of Police,
O/o.The Director General of Police
Mylapore, Chennai-600 004.
4. The Commissioner of Police,
Greater Chennai Police Commissionerate
Veppery, Chennai-600 007.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India for issuance of a writ of Mandamus, forbearing the respondents herein from giving any kind of permission to the unlawful demonstration to be conducted on 23.12.2019 by the Opposition Parties in the State of Tamil Nadu.



For Petitioner : Mr.B.Janakiram
For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader

W.P.No.35713 of 2019

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A.Ezhilarasu
S/o.Arunachalam
97, APH Road,
Ezil Rajkumar Illam,
Avadi, Chennai-600 054.

... Petitioner

-vs-

1. Mr.M.K.Stalin
S/o.(late) Hon'ble Dr.Kalaaignar M.Karunanidhi
President,
Dravida Munnetra Kazhagam Political Party,
Anna Arivalayam,
389, Anna Salai,
Rostrevor Garden,
Teynampet,
Chennai-60 017.
2. Mr.Vai.Gopalasamy M.P.,
General Secretary
Marumalarchi Dravida Munnetra
Kazhagam Political Party,
Thayagam,
8/143, Rukmani Lakshminathay :Road,
Egmore, Chennai-600 008
3. Mr.Thol Thirumavalavan M .P.,
Founder President
Viduthalai Chiruthaigal Katchi
VCK Head Quarters,
2nd Avenue TNHB Colony
Velacherry Chennai-600 042.
4. The Secretary
Communist Party of India (Marxist)
PR Ninaivagam
Vaidyaram Street,
Parathasarathi Puram
T.Nagar, Chennai-600 017.
5. The Secretary,
India :Communist party
86 Kilpauk Garden Road
T.P.Chaitiiram Main Road
Jyothi Ammal Nagar Shenoy Nagar
Chennai-600 010.



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6. Mr.Kamal Hassan
Founder President
Makkal Needhi Maiaam
4 Eldams Road
Vannia Teynampet
Alwarpet Chennai-600 018
7. Mr.K.S.Alagiri
President Tamil Nadu Chapter
Tamilnadu Congress Committee
Satyamurthy Bhavan
40 Thiruvika Salai
Chennai- 600 002.
8. K.M.Kadar Mohaideen
Maraikayar Labbai Street
Chennai.
9. Mr.M.H.Jawahirullah
Founder President
6-7 Vada Maracoir Street
Seethakadi Nagar
George Town, Chennai 600 001.
10. E.R.Easwaran M.P.,
Secretary General
Kongunadu Makkal Desiya Katchi
Administrative office
46 Sampath Nagar,
Erode.
11. T.R.Parivendhar @ Dr.TR.Pachamuthu, M.P.,
President
Indhiya Jananayaga Katchi
20/4 Prakasarar Salai
Janaki Nagar
Valasara Vakkam
Chennai-600 087
12. Mr.Thamimun Ansari M.L.A.,
General Secretary
Manitha Neya Jananayaga Katchi
26, Kalitheru, Thoppudurai Post
Vedharanyan Taluk, Nagapattinaum District



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13. The General Secretary
Social Democratic Party of India, (SDPI)
4/7, Ibrahim Sahib Street,
Seethakadi Nagar,
Mannady, Chennai-1.

14. The Chief Secretary
Govt of Tamilnadu
Secretariat, Fort St George
Chennai-600 009.

15. The Director General of Police
State Police Head Quarters
Government of Tamil Nadu
Secretariat, Fort St.George
Chennai-600 009.

16. The Commissioner of Police
Greater Chennai
Vepery, Egmore
Chennai-600 008.

17. The Commissioner,
Greater Chennai Municipal Corporation,
Chennai

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India for issuance of a writ of Mandamus, directing the 15th and 16th respondents not to permit the 1st to 13th respondents to conduct the scheduled rally / procession / protest on 23.12.2019 as against the Citizenship (Amendment) Act, 2019 since the same kind of held procession in Delhi, Karnataka, U.P., Assam turned violent and affected the Normal Tempo of life, in the larger interest of public, public properties and to protect the law and order on the basis of The Newspaper Report published in Dinamalar Tamil Daily dated 21.12.2019.

For Petitioner : Mr.R.Krishnamurthy

For R14 to R17 : Mr.V.Jayaprakash Narayan
Govt. Pleader



C O M M O N O R D E R

S.VAIDYANATHAN, J.,
AND
P.T.ASHA, J.,

The petitioners seek to forbear the Official respondents from giving any kind of permission to the unlawful demonstration to be conducted on 23.12.2019 by the Opposition Parties in the State of Tamil Nadu, more particularly, the respondents 1 to 13 in W.P.No.35713 of 2019 as against the Citizenship (Amendment) Act, 2019.

2. When the matters are taken up for hearing, it is represented by the learned Government Pleader that the relief sought for in these Writ Petition is no longer in existence in view of the fact that the respondents 1 to 13 in W.P.No.35713 of 2019 have conducted rally illegally without obtaining proper permission from the Police and therefore, necessary action has been initiated against the persons, who have headed the procession and also against volunteers of the Political parties.

3. In view of the above submission, we are of the view that nothing survives for further adjudication in these petitions and no purpose would serve in keeping these matters pending forever. Hence, these Writ Petitions stand closed. At the same time, this Court do not want to express any opinion with respect to the conduct of rally by the Political parties, despite issuance of refusal order by the Police and it is for the Police to proceed further in accordance with law. No costs. Consequently, connected miscellaneous petitions is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To:

1. The Chief Secretary,
Secretariat, St.George Fort,
Chennai-600 009.



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2. The Home Secretary,
Secretariat, St.George Fort,
Chennai-600 009.
3. The Director General of Police,
O/o.The Director General of Police
Mylapore, Chennai-600 004.
4. The Commissioner of Police,
Greater Chennai Police Commissionarate
Veppery, Chennai-600 007.
5. The Commissioner,
Greater Chennai Municipal Corporation,
Chennai.

+3cc to Mr.B.Janakiram, Advocate sr.172
+1cc to Government Pleader SR.NO. 10689

W.P.Nos.35712 & 35713 of 2019

ad(co)
nr 02/01/2020