



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) .No.11786 of 2019

Fathima Babu

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

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

3.The Sub Collector,
Office of the Sub Collector,
Thoothukudi Town,
Thoothukudi.

4.The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India issue a writ of Mandamus directing the respondents to permit the petitioner's organization to conduct an event to pay homage to the victims of the violence of 22nd May, 2018 and thereafter to address a meeting on the need to overcome the climate of impunity that prevails and the inaction of institutions to render justice to the victims and their families on 22/05/2019 at any of the three places sought for.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.K.Baskarapandian
Special Government Pleader



: Mr. Ananthakrishna
for M/s. V. Meenakshi Sundaram
[for proposed impleading parties]

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ORDER

[Order of the Court was made by **G.R. SWAMINATHAN, J.**]

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General appearing for the respondents. This Court also heard Mr. S. Parthasarathy and Mr. Ananthakrishna for the interveners.

2. The writ petitioner wants to conduct an event to pay homage to the victims who lost their lives in the police firing on 22.05.2018 at Tuticorin, in connection with anti Sterlite protest. The petitioner had given an application on 26.04.2019. Since no fruitful response was forthcoming from the authorities, she has been constrained to move this Court.

3. The learned Additional Advocate General appearing for the respondents strongly opposed the prayer made in the writ petition. He would point out that counting of votes for the Parliamentary as well as Bye-election for the Legislative Assembly will be held on 23.05.2019. V.O.C. Engineering College, Tuticorin will be the counting centre. It is his apprehension that Tuticorin is slowly limping back to normalcy and that this normalization process would be seriously impaired, if the event in question is allowed to be held.

4. The apprehension expressed by the learned Additional Advocate General has been strongly seconded by the learned counsel appearing for the two intervenors.

5. We are of the considered view that the petitioner is only seeking to enforce her fundamental right and after all she wants to pay homage to the victims. She is definitely entitled to do so.

6. In response to our query as to who will be the speakers on the occasion, the learned counsel appearing for the petitioner submitted that the following will be the speakers in the said event.

(i) The most Revered Balaprababathi Adigalar, Kanyakumari.

(ii) The Roman Catholic Bishop of Thoothukudi, Rt Rev. Dr. Stephen Antony

(iii) A Maulana from Thoothukudi

(iv) Mr. Vellaiyan, President, Tamil Nadu Vanigar Sangam, Peramaippu, Chennai.

(v) Mr. Vinayagamorthy, President of the Thoothukudi



Unit of the Tamil Nadu Vanigar Sangankalin Peramaippu.

(vi) Mr. A.W.D. Tilak, President, Thoothukudi Bar Association.
Mr. A.P.C.V. Chockalingam, Educationist, Thoothukudi.

(vii) A People's representative from Kumarediyapuram village and another from the affected families.

(viii) Dr. Kayes, President, Thoothukudi Mavatta Nattu Padagu Sangam

(ix) Mr. Johnson, President, Visay Padagu Thozhilalar Sangam, Thoothukudi District.

(x) Mr. Sagayam, District Secretary, AICCTU lorry drivers' Association, Port Trust.

7. This submission is placed on record. The petitioner's counsel further undertook that they would not insist on holding of any public meeting and that it would be a hall meeting. The event venue has been identified as BELL Hotel, Tuticorin. The number of participants would not go beyond 250. He further submitted that the police can very well videograph the entire event.

8. The petitioner's counsel gives a further undertaking that none of the speakers will speak in a manner that will vitiate the law and order situation. The meeting will commence at 09.00 am and will conclude at 11.00 am, on 22.05.2019. The petitioner's counsel further undertakes that the list of participants would be made available to the second respondent after the event.

9. The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

mj

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.

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



3.The Sub Collector,
Office of the Sub Collector,
Thoothukudi Town,
Thoothukudi.

4.The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi.

1CC TO MR. HENRI TIPHANGE, ADVOCATE SR 65676

1CC TO MR. N. ANANDAKUMAR, ADVOCATE SR 65661

1CC TO MR.V. MEENAKSHI SUNDARAM, ADVOCATE SR 65489

1CC TO THE SPL GOVT PLEADER SR 65620

MK

15/MAY/2019

4P/9C

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