



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.15654 of 2019
and
W.M.P. (MD)No.12329 of 2019

Kudanthai Arasan ... Petitioner

Vs.

1.The Commissioner of Police,
O/o.the Commissioner of Police,
Thanjavur District.

2.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Kumbakonam, Thanjavur District.

3.The Inspector of Police,
West Police Station,
Kumbakonam, Thanjavur District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.39/Aai.A/Ku.W.PS/2019 on the file of the third respondent dated 26.06.2019 and quash the same as illegal and consequently seeking for a direction to direct the second respondent to grant permission to the petitioner and other members of the "Periyariya Unnarvalarkal Kutaamaipu" Party to conduct the meeting in S.E.T Mahal on 21.07.2019 or any other date within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Aanandharaj
Additional Public Prosecutor

ORDER

This writ petition has been filed to quash the impugned order in Na.Ka.No.39/Aai.A/Ku.W.PS/2019 on the file of the third respondent dated 26.06.2019

2.It is seen that the representation of the petitioner seeking permission to the petitioner and other party members of the "Periyariya Unnarvalarkal Kutaamaipu" Party to conduct a meeting



in S.E.T Mahal on 30.06.2019 was rejected by the third respondent on the ground that the provision under Rule 30 (2) of the Police Act, 1861, was in force till 29.06.2019. The said provision are as follows:-

"1.The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

2. He may also, on being satisfied that it is intended by any persons or class of person to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district, or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such processional shall apply for a licence."

- In view of the above provision, only the District Superintendent of Police or the Assistant Superintendent of Police has to pass order on such request.

3. The Impugned order passed by the third respondent is in the rank of the Inspector of Police. On that ground alone, the impugned order is liable to be set aside. Accordingly, the impugned order in Na.Ka.No.39/Aai.A/Ku.W.PS/2019 passed by the third respondent is hereby set aside. However, the period sought for by the petitioner to conduct meeting is over.

4. Considering the above facts and circumstances, the petitioner is directed to submit fresh application in future dates to conduct the meeting. On receipt of the same, the second respondent is directed to consider the same and pass orders on merits in accordance with law.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



To

WEB COPY

- 1.The Commissioner of Police,
O/o.the Commissioner of Police,
Thanjavur District.
- 2.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Kumbakonam,
Thanjavur District.
- 3.The Inspector of Police,
West Police Station,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.T.LAJAPTHI ROY, Advocate (SR-97220[F] dated
11/11/2019)

W.P. (MD)No.15654 of 2019
and
W.M.P. (MD)No.12329 of 2019
08.11.2019

KM/(28.11.2019) 3P 5C