



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2019

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P (MD) .No.21562 of 2019

WEB COPY

T.Balaji Krishnaswamy

...Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Election Officer,
No.227, Nanguneri Constituency,
Tirunelveli District.
- 3.The Commissioner of Police,
Tirunelveli City.
- 4.The Deputy Commissioner of Police (L&O),
Tirunelveli City.
- 5.The Assistant Commissioner of Police (L&O),
Palayamkottai Zone,
Tirunelveli City.
- 6.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.

...Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to grant permission and adequate protection for conducting procession (Route March) from TVS Nagar Junction to EB Colony 1st Street and Public meeting at EB Colony, Thiyagarajan Nagar, Tirunelveli Town on 13.10.2019 in pursuance to 95th foundation day of Rashtriya Swayamsevak Sangh and Vijayadhasami Celebration on the basis of the representation dated 18.09.2019 and 08.10.2019.

For Petitioner : Mr.KPS.Palanivel Rajan
for M/s.M.Ramesh

For Respondents : Mr.R.Anandha Raj
Additional Public Prosecutor



ORDER

The writ petition has been filed seeking to direct the respondents to grant permission and adequate protection for conducting procession (Route March) from TVS Nagar Junction to EB Colony 1st Street and Public meeting at EB Colony, Thiagarajar Nagar, Tirunelveli Town on 13.10.2019 in pursuance to 95th foundation day of Rashtriya Swayamsevak Sangh and Vijayadhasami Celebration on the basis of the representations dated 18.09.2019 and 08.10.2019.

2.The writ petitioner is a member of a political party and it has been proposed to take out a procession and hold a public meeting and celebration of Visayadhasami (95th Foundation day of Rashtriya Swayamsevak Sangh) at Thiagarajar Nagar surroundings, on 13.10.2019. In this connection a representation has been made before the sixth respondent on 18.09.2019, seeking permission to conduct the above said events. However, the sixth respondent has not given any response to the said representation till 08.10.2019 and hence another representation has been made on 08.10.2019 to the sixth respondent and a copy of the same has also been sent to the respondents 1, 3, 4 and 5. Even then, there was no response from the respondents 1, 3, 4, 5 and 6. Under such circumstances, the petitioner has approached this Court with the aforesaid prayer.

3.Heard learned counsel for the writ petitioner and learned Additional Public Prosecutor for respondents and perused the materials placed before this Court.

4. At the time of hearing the matter, this Court has expressed its view that the Visayadhasami Celebration is over in Tamil Nadu as early as on 08.10.2019, it would not be possible to direct the respondents to consider the representation for the celebration of Visayadhasami, which is already over and therefore, the learned counsel for the petitioner has submitted that he would not press the relief insofar as the celebration of Visayadhasami is concerned and also made an endorsement to that effect and further submitted that 13.10.2019 is the 95th foundation day of Rashtriya Swayamsevak Sangh and they can be permitted to conduct the procession and do the other activities as mentioned in the representation.

5.The learned Additional Public Prosecutor for the respondents would submit that due to ensuing by-election in Nanguneri assembly constituency, the Hon'ble Chief Minister, the Hon'ble Ministers and other political leaders are participating in the election campaign. Apart from that the proposed procession place falls within 3 kms from the said constituency and therefore, the respondent Police are not in a position to give permission and protection for conducting the above said procession and other activities.

6.A perusal of the materials placed before this Court would show that the petitioner made a representation before the sixth



respondent on 18.09.2019, seeking permission for taking out a procession and holding public meeting and celebration of Visayadhasami (95th Foundation day of Rashtriya Swayamsevak Sangh) at Thiagarajan Nagar surroundings. Since there is no response from the sixth respondent for the petitioner's representation dated 18.09.2019, the petitioner made another representation on 08.10.2019 to the sixth respondent and a copy of the same has also been sent to the respondents 1,3 4 and 5. Since there is no response from the respondents till now, the petitioner is before this Court.

7.Since by-election for Nanguneri Assembly Constituency has been notified, the City Secretary, Rashtriya Swayam Sevak Sangh, Tirunelveli gave a representation to the Election Officer 05.10.2019. The Election Officer, in turn forwarded the representation to the third respondent for necessary action, for which also there was no response from any of the respondents to the Sangh.

8.In view of the not pressing and withdrawal of the prayer in respect of the Visayadhasami celebration, the respondents are directed to consider the representations given by the petitioner dated 18.09.2019 and 08.10.2019 today itself before 5.00pm and intimate the petitioner about the decision taken in this regard immediately, since the procession is proposed to be held on 13.10.2019.

9.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Tirunelveli District.
- 2.The Election Officer,
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5.The Assistant Commissioner of Police (L&O),
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6.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.

+1CC TO MR.M.RAMESH, Advocate Sr. No.91702

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CS (CO)

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