



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P. (MD)No.21856 of 2019

V. Manthirakumar

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police (Circle),
Eral Police Station (Circle),

Thoothukudi District.

... Respondents

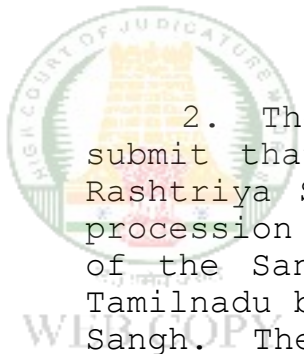
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a **Writ of Certiorarified Mandamus**, to call for the records pertaining to the order dated 10.10.2019 passed by the second respondent in C. No: 29/ECI/TUT/2019 and quash the same and consequently direct the respondents herein to grant permission and adequate police protection for conducting procession (Route March) starts at Eral Sri Chairman Arunachala Swamy Temple and ends at Eral Sri Chairman Arunachala Swamy Temple and public meeting at Sri Chairman Arunachala Swamy Temple premises, Eral, Thoothukudi District on 20.10.2019 in pursuance to Annual day of Rashtriya Swayamsevak Sangh and Vijayadhasami Celebration.

For Petitioner : Mr.K.P.S. Palanivel Rajan
for Mr.M. Ramesh

For Respondents : Mr.R. Anandharaj
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking to quash the order, dated 10.10.2019 passed by the second respondent in C. No: 29/ECI/TUT/2019 and also sought for a direction to the respondents to grant permission and adequate police protection for conducting procession (Route March) starts at Eral Sri Chairman Arunachala Swamy Temple and ends at Eral Sri Chairman Arunachala Swamy Temple and public meeting at Sri Chairman Arunachala Swamy Temple premises, Eral, Thoothukudi District on 20.10.2019 in pursuance to Annual day of Rashtriya Swayamsevak Sangh and Vijayadhasami Celebration.



2. The learned counsel appearing for the petitioner would submit that the petitioner is working as a Regional Secretary of Rashtriya Swamysevak Sangh. The petitioner has decided to conduct procession and public meeting on 20.10.2019 to celebrate Annual day of the Sangh and the Vijayadhasami by the South Indian of South Tamilnadu by way of wearing the uniforms especially designed for the Sangh. The procession will starts at Eral Sri Chairman Arunachala Swamy Temple and ends at Eral Sri Chairman Arunachala Swamy Temple . Therefore, the petitioner has approached the second respondent and submitted a representation, dated 29.09.2019 seeking permission and adequate police protection to the procession and also for the public meeting scheduled to be held on 20.10.2019. The second respondent without application of mind mechanically rejected the same for the reason that already very same regulatory order passed under Section 30(2) of Police Act is pending in the said area. He also relied upon the Judgment of this Court passed in W.P. (MD) Nos.28677 to 28683 of 2014, dated 07.11.2014.

3. The learned Additional Public Prosecutor appearing for the respondents filed counter and submitted that the procession and the public meeting which has to be conducted on 20.10.2019. There are huge number of Muslims and Christians are living and as such as, if the procession is permitted, there will be definitely a law and order problem will arise. Therefore, the second respondent has rightly rejected the representation filed by the petitioner.

4. Heard Mr.K.P.S. Palanivel Rajan for Mr.M. Ramesh, learned counsel appearing for the petitioner and Mr.R. Anandharaj, learned Additional Public Prosecutor appearing for the respondents.

5. The petitioner sought for permission and police protection to conduct the procession and public meeting through Palayamkottai Road Gandhi Statue, Sri Muthumalai Amman Bazaar Street, Chettipillaimar Street, nadar 2nd Street, Government Primary Health Centre, Sri Nattar Amman Kovil Street, Odakarai Street, Keelakattu Road and reaches the venue through Main Bazaar Gandhi Statue. It was rejected by the second respondent and passed the impugned order for the reason that Regulatory order is pending in those areas, under Section 30(2) of the Police Act. This Court repeatedly held that the order passed under Section 30(2) of the Police Act, only for regulation and not for prohibition.

6. Considering the facts and circumstances, the Writ Petition is allowed and the impugned order, dated 10.10.2019 passed by the second respondent in C. No: 29/ECI/TUT/2019 is quashed. However, the petitioner and his members could not carry lathis and will not shout slogans inciting any violence or offending sentiments of anyone. In any case, the right flowing under Article 19(1)(b) itself is restricted to assemble peaceably and without arms. The organizers are prepared to give the names and addresses of person responsible for any untoward incident, if it



happens. Therefore, the second respondent is directed to give permission and also give adequate police protection to the petitioner and his members for the procession and public meeting to be held on 20.10.2019, after getting undertaking affidavit from the petitioner on certain conditions forthwith. No costs.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police (Circle),
Eral Police Station (Circle),
Thoothukudi District.

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

+1 CC to M/s.M.RAMESH, Advocate (SR-92948[F] dated 18/10/2019)

Order made in
W.P. (MD)No.21856 of 2019
Dated: **18.10.2019**

KK/SAR/18.10.2019/3P-5C/