



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2019

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.23389 of 2019

and

W.M.P. (MD)Nos.20040 & 20041 of 2019

WEB COPY

M.Nesiva

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Theni District.

2.The Inspector of Police,
Theni Town Police Station,
Theni District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the second respondent vide Ka.Aa./47/Theni Nagar P.S./2019 dated 31.10.2019 and quash the same as illegal and unconstitutional and consequently directing the respondents to grant permission to the petitioner to conduct a protest meeting on 10.11.2019 at 11.00 a.m @ Theni Bungalow Medu, Theni District.

For Petitioner : Mr.A.Rajini

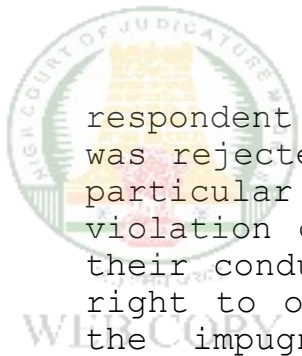
For Respondents : Mr.A.Aanandharaj

Additional Public Prosecutor

ORDER

This petition has been filed for challenging the order passed by the second respondent thereby rejecting the petitioner's request to conduct protest meeting on 10.11.2019.

2. The learned counsel for the petitioner would submit that the petitioner is the District Secretary - East Wing of Adi TAMILAR Peravai, Theni District. He further submitted that the above said Peravai are working towards the socio, economic empowerment of downtrodden people with special focus on Arunthathiyar Community. He further submitted that atrocities against Arunthathiyar community has been increased in and around Theni District. The SC/ST Act which is meant for addressing the violence against the Dalits is not implemented properly. Further, he submitted that this is clear violation of Article 17, 21 and 19 of Indian Constitution. Therefore, in order to express their protest and also in order to propagate peace and harmony, the above said Peravai were planning to organize a protest meeting at Theni Bungalow Medu, Theni District. Therefore, the petitioner sought permission from the second



respondent for permission to conduct protest meeting and the same was rejected for the reason that the protest meeting was related to particular community. Further, the conduct of impugned order is violation of Articles 17, 21 and 19 of Indian Constitution because their conduct is grossly discriminatory, right to life includes and right to organize democratic protest to express our grievances and the impugned order is against right to assemble peacefully. Therefore, he prayed to quash the impugned order passed by second respondent dated 10.11.2019.

3. Per contra, the learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner sought permission to conduct protest meeting for the increase in atrocities against Arunthathiyar Community and also non implementation of SC/ST Act in Theni District. He further submitted that the petitioner has made a vague allegation as to non implementation of SC/ST Act in Theni District and is put to strict proof of the same. The intention of the petitioner is *mala fide* one. The protest meeting would lead to communal hatred and cause law and order problem. Therefore, the second respondent rightly rejected the representation of the petitioner. Hence, he prayed to dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. It is seen from the records, the petitioner sought for permission to conduct protest meeting in order to propagate peace and harmony and non taking action for the Arunthathiyar Community people and non implementation of SC/ST Act in Theni District. The entire averments stated by the petitioner are bald and vague since, under the SC/ST Act, there are so many cases were registered in and around Theni. Further, the protest meeting based on the particular Community, will disturb the peace of the region by installing sense of insecurity and hatred among the common public on communal grounds. Therefore, the second respondent rightly rejected the representation of the petitioner.

6. In view of the above, this Court does not find no illegality or infirmity in the order passed by the second respondent. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar (CS)



dss

To

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Theni Town Police Station,
Theni District.

W.P. (MD) No.23389 of 2019
and

W.M.P. (MD) No.20040 & 20041 of 2019
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