

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.2135 of 2020
and
W.M.P.No.2491 of 2020

Akshaya K.Murugan

...Petitioner

-Vs-

1. The State of Tamil Nadu
Rep.by its Secretary,
Home Department,
Fort.St.George,
Chennai - 600 009.
 2. The Deputy Superintendent of Police,
Tirupattur Sub-Division,
Achamangalam,
Tirupattur.
 3. The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur.
- ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue an order, direction or writs especially in the nature of Writ of Certiorarified Mandamus by calling for the records of the 3rd respondent in proceedings No.Nil dated 18.01.2020 and quash the same as illegal and arbitrary and consequently direct the respondents to grant permission to conduct public meeting near Tirupattur new bus stand or Pudupettai Road on 30.01.2020 or any other date with the use of public address system.

For Petitioner : Mr.R.Shivakumar for
M/s.K.M.Vijayan Associates
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus by calling for the records of the 3rd respondent in proceedings No.Nil dated 18.01.2020 and quash the same as illegal and arbitrary and consequently direct the respondents to grant permission to conduct public meeting near Tirupattur new bus stand or Pudupettai Road on 30.01.2020 or any other date with the use of public address system and pass further orders.

2. The learned counsel for the petitioner has submitted that the petitioner is the Town Secretary of Political Party viz., Amma Makkal Munnetra Kazhagam of Tirupattur, Tirupattur District. He further submitted that in order to celebrate the birthday function of former Chief Minister of Tamilnadu, Dr.M.G.Ramachandiran, the petitioner has submitted a representation before the third respondent on 10.01.2020 seeking permission to conduct the said function on 17.01.2020. But, the third respondent has passed the impugned order, rejecting the petitioner's request only on 18.01.2020 and hence the petitioner has submitted another representation seeking permission to conduct the function on 31.01.2020 and in that petition so far, no order has been passed.

3. The learned Additional Public Prosecutor has submitted that since the second respondent has issued a prohibitory order under Section 30(2) of the Police Act from 19.01.2019 to 02.02.2020, if any permission is given to the petitioner to conduct meeting, that would create law and order problem and hence the petitioner's request was rejected by the third respondent by the impugned order dated 18.01.2020. He further submitted that the subsequent representation also expired and hence on the said representation, no order has been passed by the third respondent.

4. Considering the fact that already the date which was fixed by the petitioner for celebrating the birthday of former Chief Minister expired, the petitioner is directed to give a fresh representation before the third respondent within a week from the date of receipt of a copy of this order and on such submission of representation, the third respondent is directed to conduct enquiry by giving an opportunity to the petitioner and rival party, if any and dispose of the same within a week thereafter and inform the result of the said enquiry to the petitioner.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Home Department,
Fort.St.George,
Chennai - 600 009.

2. The Deputy Superintendent of Police,
Tirupattur Sub-Division,
Achamangalam,
Tirupattur.

3. The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur.

4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.K.M.Vijayan Associates, Advocate sr.7795

सत्यमेव जयते

W.P.No.2135 of 2020
and

W.M.P.No.2491 of 2020

gmr(co)
nr 03/02/2020

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