

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.2604 of 2020

Boopathi

.. Petitioner

-vs-

1. The Deputy Superintendent of Police,
Mayiladuthurai Sub-Division,
Mayiladuthurai,
Nagapattinam District.

2. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai,
Nagapattinam District.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records in the order bearing Na.Ka.No.14/SDO - M-V/2020 dated 31.01.2020 passed by respondent-1 and quashing the same, and directing the respondents to permit the petitioner to conduct a peaceful procession from Manalmedu Bazar to Kalathur Memorial Place on 05.02.2020 at about 10.00 AM.

For Petitioners : Mr.R.Sankarasubbu
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to quash the order passed by the first respondent in Na.Ka.No.14/SDO - M-V/2020 dated 31.01.2020.

2. The learned counsel for the petitioner has submitted that during the year 2007, the petitioner's son namely shankar was killed by the Police in a Fake Encounter. He further submitted that the petitioner's husband filed a writ petition in W.P.No.20690 of 2007 before this Court against the police persons who were involved in the fake encounter and the same is pending. He further submitted that the petitioner's family members and their relatives regularly conducting his memorial

day from 05.02.2007. Accordingly, the petitioner has submitted a representation to the Superintendent of Police, Nagapattinam on 07.01.2020 for conducting the said Shankar's memorial day on 05.02.2020, but since the first respondent has not passed any order in the said representation, the petitioner has filed WP.No.2314 of 2020 before this Court and in the said writ petition, this Court on 31.01.2020 passed an order directing the first respondent herein to pass necessary order on or before 03.02.2020. He further submitted that inspite of the said order, the first respondent has passed the impugned order dated 31.01.2020 without referring to the order passed in WP.No.2314 of 2020 dated 31.01.2020. He further submitted that the petitioner's representation was rejected on three grounds. One is, he already issued a prohibitory order under Section 30(2) of the Police Act; second is that the deceased Shankar involed in number of criminal cases and if the petitioner is permitted to conduct procession that would create law and order problem and third one is in the last year this Court has dismissed WP.No.2943 of 2019. He further submitted that already for the same relief one Durairaj, Founder President, Ambedkar Revolution Front has filed WP.No.2817 of 2014 before this Court seeking permission for conducting procession and at that time also the same kind of objections were raised, but, this Court has rejected their objections and directed the respondent police to provide police protection and to give permission for conducting procession on 05.02.2014 and hence he requests to setaside the impugned order and direct the first respondent to give permission to conduct procession meeting on 05.02.2020.

3. Per contra, the learned Additional Public Prosecutor has submitted that even though in the impugned order the order passed in WP.No.2314 of 2020 was not referred to, the first respondent has passed the order considering the petitioner's representation and therefore there is no need to interfere in the said order.

4. This Court in WP.No.2314 of 2020 directed the first respondent herein to consider the petitioner's representation dated 07.01.2020 and pass necessary order on or before 03.02.2020. But, in the impugned order, the first respondent has not referred to the order passed by this Court in WP.No.2314 of 2020. Hence, the impugned order is set aside. Consequently, the first respondent has to be directed to consider the petitioner's representation as per the order passed in WP.No.2314 of 2020 dated 31.01.2020 and pass orders. The petitioner is directed to appear before the first respondent on 05.02.2020 at 10.00 am. On his appearance, the first respondent has to enquire with him and their rival groups if any, pass orders in accordance with law and inform the result to the petitioner.

5. With the aforesaid directions, this petition is disposed of.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Superintendent of Police,
Mayiladuthurai Sub-Division,
Mayiladuthurai,
Nagapattinam District.
 2. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai,
Nagapattinam District.
 3. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr. R. Sankarasubbu, Advocate sr 8497.

NRL (CO)
SP (04/02/2020)

WP.No.2604 of 2020

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