



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.01.2020

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition(MD)No.606 of 2020

and

Writ Miscellaneous Petition(MD)No.443 of 2020

Uthaya Suriyan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Sivakasi Division,
Sivakasi,
Viruthunagar District.

2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the first respondent in Na.Ka.En.227/NaMuuNa/Sivakasi Utkottam/2019 dated 28.12.2019 and quash the same as illegal and consequently to direct the second respondent to permit the petitioner to conduct Aarpattam programme on 13.01.2020 at infront of Thiruthangal Municipality, Thiruthangal Town, Virudhunagar District.

For Petitioner : Mr.P.Subbaraj

For Respondents : Mr.S.Chandrasekar
Addl. Public Prosecutor

O R D E R

This writ petition has been filed challenging the impugned order passed by the first respondent in Na.Ka.En.227/NaMuuNa/Sivakasi Utkottam/2019 dated 28.12.2019 and seeking a direction to the second respondent to permit the petitioner to conduct Aarpattam programme on 13.01.2020 at infront of Thiruthangal Municipality, Thiruthangal Town, Virudhunagar District.

2.The learned counsel for the petitioner would submit that the
<https://hcservices.ecourts.gov.in/hcservices/>



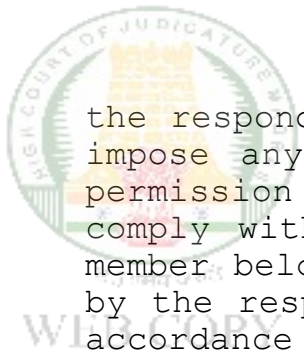
petitioner is the Town Secretary of Dravida Munetra Kalagam (DMK) and on behalf of their alliance party, the petitioner's party has decided to conduct Aarpattam/Demonstration programme in front of the Municipal Office, Thiruthangal Town with regard to inaction of the officials of the Thiruthangal Municipality on 30.12.2019. In this regard, the petitioner gave a representation to the respondents on 28.12.2019 seeking permission to conduct Aarpattam Demonstration programme. The first respondent without giving any opportunity or hearing, rejected the petitioner's representation. Hence, the petitioner has approached this Court seeking the relief stated supra. Due to the lapse of time, the petitioner organizers have decided to conduct the Aarpattam/Demonstration on subsequent date on 30.01.2020.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that the Deputy General of Police, Tamilnadu had issued the circular/memorandum in R.C.007301/Genl I (1)/2019, dated 09.04.2019, which contains conditions for procession and also other events and would submit that if the petitioner approaches the respondent Police with a fresh application and undertaking to abide by the conditions enumerated in the memorandum, dated 09.04.2019, it will be suitably considered. He would further submit that the respondent police have no objection to conduct the Aarpattam, however, they have only objection regarding the place where permission is sought for and if the petitioner is agreeable to conduct the Aarpattam at an alternate venue, where usually meetings are conducted on any other place they have no objection. He would further submit that the petitioner should also specify the time for conducting the demonstration.

4.At this juncture, the learned counsel for the petitioner would submit that the petitioner is agreeing to conduct the public meeting at the place near Thiruthangal Railway Gate, Ambedkar Statue where usually permission is granted for conducting meetings from 10.00 a.m to 12 p.m on 30.01.2020.

5.The Additional Public Prosecutor, on instructions, from the respondent police, would submit that the respondent police have no objection if the petitioner is ready to conduct the public meeting at the place near Thiruthangal Railway Gate, Ambedkar Statue where usually permission is granted for conducting meetings from 10.00 a.m to 12 p.m on 30.01.2020 subject to conditions.

6.In view of the above situation, this Court is inclined to direct the respondent police to grant permission to the petitioner to conduct the Aarpattam programme. Accordingly, the respondent police is directed to grant permission to the petitioner to conduct the Aarpattam programme on 30.01.2020 between 10.00 am and 12.00 pm at the venue near Thiruthangal Railway Gate, Ambedkar Statue. The petitioner is directed to give an undertaking affidavit mentioning



the respondent police. It is left open to the respondent police to impose any reasonable conditions, for the purpose of giving such permission to the petitioner and the petitioner is duty bound to comply with the conditions without fail. If the petitioner or the member belonging to his party violate any of the conditions imposed by the respondent police, it is left open to him to take action in accordance with law.

7.The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn

To

1.The Deputy Superintendent of Police,
Sivakasi Division,
Sivakasi,
Viruthunagar District.

2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

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

+1 CC to M/s.P.SUBBARAJ, Advocate (SR-2075[F] dated 21/01/2020)

order made in
Writ Petition(MD)No.606 of 2020
and
Writ Miscellaneous Petition(MD)No.443 of 2020
20.01.2020

JMN(27.01.2020) 3P : 5C