



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.01.2020

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WEB COPY THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

W.P. (MD)No.538 of 2020

and

W.M.P. (MD) .No.409 of 2020

Bishop.Antony Pappusamy
The President,
The Tamil Nadu Bishop's Council,
No.45, Santhome High Road,
Chennai-4.

... Petitioner/Petitioner

Vs.

1.The Inspector General of Police,
Southern Zone,
77, 4th Street, K.K.Nagar,
Race Course Colony,
Ramnad Reserve Line,
Madurai.

2.The Assistant Commissioner of Police,
Office of The Assistant Commissioner of Police,
Anna Nagar (Law and Order),
Madurai.

3.The Inspector of Police,
E1 Police Station,
K.Pudur,
Madurai-2.

4.R.Alexander

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, by directing the respondents 1 and 2 to prohibit the meeting dated 10.01.2020 planned to be conducted by the fourth respondent and his men in violation of the order dated 11.12.2019 passed in W.P.(MD).No.24379 of 2019 or in any future date, or in any other place, without obtaining specific order from the authority concerned or Court on all of the Agenda of any such meeting, by taking action on the representation dated 07.01.2020, given by the Public Relation Officer of the petitioner.

For Petitioner : Mr.C.Dhanaseelan



For Respondents : Mrs.S.Bharathi
1 to 3 Government Advocate(Crl.Side)

ORDER

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This writ petition has been filed directing the respondents 1 and 2 to prohibit the meeting dated 10.01.2020 planned to be conducted by the fourth respondent and his men in violation of the order dated 11.12.2019 passed in W.P.(MD).No.24379 of 2019 or in any future date, or in any other place, without obtaining specific order from the authority concerned or Court on all of the Agenda of any such meeting, by taking action on the representation dated 07.01.2020, given by the Public Relation Officer of the petitioner.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondents 1 to 3.

3.It is the grievance of the petitioner that the fourth respondent has been given permission to conduct hunger strike and that object of the meeting for which permission has been granted would disclose that it is totally in contravention of the terms of the conditions issued by this Court in its order dated 11.12.2019 passed in W.P.(MD).No.24379 of 2019. Apprehending that the fourth respondent is attempting to promote enmity between different groups and attempting to do acts prejudicial to maintenance of harmony, the petitioner has submitted a representation to the respondents 1 to 3 on 07.01.2020 regarding prohibition of meeting dated 10.01.2020, which has not been considered by the respondents 1 to 3 till date and therefore, he has filed the present writ petition.

4.The learned counsel appearing for the petitioner would contend that there is apprehension that the fourth respondent and his men are attempting to commit offences punishable under Sections 153-A (1), 505 (1) (c), 505 (2) and 500 IPC by conducting said meeting thereby, would seek for direction to the respondents 1 to 3 to prohibit the meeting dated 10.01.2020 which has to be conducted by the fourth respondent.

5.This Court while allowing W.P.(MD).No.24379 of 2019, had directed the fourth respondent to abide by condition imposed by the respondent Police. This Court had also imposed that if there is any violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action as per law and stop such performance. In view of the same, this Court is of the opinion that the prohibitory order cannot be passed on mere apprehension.



6.At this Juncture, the learned counsel appearing for the petitioner would submit that at least a direction may be issued to the respondents 1 to 3 to consider the representation dated 07.01.2020 given by the petitioner.

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7. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation in accordance with law.

8.In view of the limited prayer sought for in this writ petition and without going into the merits of the case, there shall be a direction to the respondents 1 to 3 to consider the representation of the petitioner dated 07.01.2020 and pass orders on its own merits and in accordance with law.

9.With the above direction, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To:

1.The Inspector General of Police,
Southern Zone,
77, 4th Street, K.K.Nagar,
Race Course Colony,
Ramnad Reserve Line,
Madurai.

2.The Assistant Commissioner of Police,
Office of The Assistant Commissioner of Police,
Anna Nagar (Law and Order),
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3.The Inspector of Police,
E1 Police Station,
K.Pudur,
Madurai-2.

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+1 CC to M/s.C.DHANASEELAN, Advocate (SR-1188[F] dated 09/01/2020)

W.P.(MD)No.538 of 2020
09.01.2020

JMN(09.01.2020) 4P : 5C