



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.02.2020

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition(MD)No.3897 of 2020

G.Vellammal Gurusamy

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Deputy Superintendent of Police,
DSP Office, Sankarankovil,
Tirunelveli District.

3.The Inspector of Police,
Taluk Police Station, Sankarankovil.

4.The Sub-Inspector of Police,
Chinnakovilankulam Police Station,
Tirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd and 4th respondents to grant permission to conduct the blood donation, tree Plantation, Annathanam and other charity services to be conducted on 04.03.2020 from 8.30 a.m. to 4.00 p.m. in pursuant to the Birth day of Gurusamy Yadav conduct by C.Gurusamy Yadav Memorial Educational and Social Trust, Sankarankovil, Tirunelveli District.

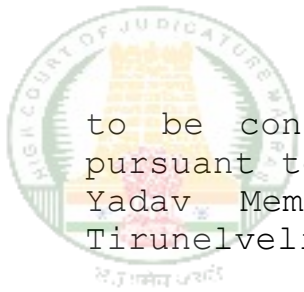
For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for Mr.K.Prabhu

For Respondents : Mrs.Bharathi,
Government Advocate
(Criminal Side)

O R D E R

This Writ Petition has been filed seeking a direction to the 3rd and 4th respondents to grant permission to conduct the blood donation, tree Plantation, Annathanam and other charity services

<https://hccservices.ecourts.gov.in/hccservices/>



to be conducted on 04.03.2020 from 8.30 a.m. to 4.00 p.m. in pursuant to the Birth day of Gurusamy Yadav conduct by C.Gurusamy Yadav Memorial Educational and Social Trust, Sankarankovil, Tirunelveli District.

2.Heard Mr.K.Prabhu, learned counsel for the petitioner and Mrs.S.Bharathi, learned Government Advocate (Crl.side) appearing for the respondents.

3.The learned Government Advocate(Crl.side) would submit that this Court during the last year, by order dated 28.02.2019 in W.P. (MD)No.4749 of 2019, while granting permission directed the petitioner to comply with the certain conditions. However, the petitioner violated the conditions and further there is a dispute between two communities resulting in registration of criminal cases and thereby, the third respondent police has rejected the representation of the petitioner.

4.At this juncture, the learned counsel for the petitioner would submit that the criminal case and crime number which is referred to in the impugned order of rejection relates to the year 2018. Thereafter, this Court has granted permission to conduct the programme and as on date, the disputes between two communities have been compromised and there is peace in the village. He would also further submit that if the respondents police feel so, they can also videograph the entire proceedings and take action in accordance with law, if the petitioner violates any action undertaking or conditions imposed by this Court. He would also further submit that if the respondent police feel that there would be a problem, if the petitioner and his men goes to the function through a particular route, they may also fix the route, through which, the petitioner can go and the petitioner and his men are also prepared to give necessary undertaking to avoid the routes specified by the respondent police.

5.The learned Senior Counsel for the petitioner would submit that as per the schedule, the members of the petitioner's group have intended to donate blood at the Government Hospital, Sankarankovil and thereafter, move to Atkondarkulam village where they have decided to conduct charity programme and also give annathanam to persons who visit Atkondarkulam village and the learned counsel for the petitioner would also submit that while returning from the hospital to the village, they are prepared to take the route as specified by the respondent police.

6.The learned Government Advocate (Crl. Side) would further submit that if in the event, the petitioner seeks for permission, they should give the schedule of the programme and the list of persons participating, the list of registration number of the



vehicles, which should be used by the participants to the concerned police. Therefore, unless these facts are disclosed, the respondents 3 and 4 may not be in a position to evaluate the ground situation so as to take necessary precaution.

7.The learned Senior Counsel appearing for the petitioner would submit that the petitioners are prepared to abide by any stringent conditions that may be imposed by the respondent police and also prepared to give necessary undertaking to conduct the programme in a peaceful manner.

8.Hence, the petitioner is directed to approach the respondents 3 and 4 to give fresh representation with an undertaking that they will travel from the Sankarankovil to Atkondarkulam in the route specified by the respondent police and the will also give necessary undertakings and information/details required by the respondent police. This Court further directs the petitioner to present a fresh representation along with a written undertaking:

"That the petitioner takes responsibility that no participants of the programme, while they exercise their right to free speech and expression, will violate or infringe any of those heads (on which State has made laws or has power to make laws) under Article 19(2) of the Constitution (each of them should be specifically stated) and that he would abide by the Constitutional values, and that he takes responsibility, for peaceful conduct of the meeting and procession of rally."

9.Upon receipt of the said representation with the undertaking as indicated above, the respondents 3 and 4 are required to consider the same expeditiously and in the spirit of what is indicated in this Order. In the eventuality of granting permission for conduct of the procession, the respondents 3 and 4 are also entitled to videograph the proceedings of the meeting to ensure that the undertaking given by the petitioner is obeyed in letter and spirit. If there is any violation, then the respondents are directed to prosecute the violators forthwith.

10.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar(CS)



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Tirunelveli District.

+1 CC to M/s.K.PRABHU, Advocate (SR-8825[F] dated 27/02/2020)

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SGS (CO)
TR(28.02.2020)4P 6C