



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P. (MD)No.10683 of 2020

and

W.M.P. (MD) .No.9401 of 2020

A.Prakash

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.the Superintendent of Police,
Virudhunagar District, Virudhunagar.

2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.

3.The Inspector of Police,
Vathirayiruppu Police Station,
Vathirayiruppu,
Virudhunagar District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.10/2020/Va.Ka.Va., dated 12.08.2020, on the file of the third respondent and quash the same as illegal and consequently for a direction, directing the respondents to grant permission to the petitioner to conduct peaceful demonstration at W.Pudhupatti Bus Stop, Virudhunagar District on 05.09.2020 at about 09.30 A.M. or on any other subsequent date within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For R-1 to R-3 : Mr.S.Chandrasekar,

Additional Public Prosecutor

ORDER

This writ petition has been filed praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.10/2020/Va.Ka.Va., dated 12.08.2020, on the file of the third respondent and quash the same as illegal and consequently issue a direction, directing the respondents to grant permission to the petitioner to conduct peaceful demonstration at W.Pudhupatti Bus Stop, Virudhunagar District, on 05.09.2020, at about 09.30 A.M., or on any other subsequent date, within the time stipulated by this Court.



2. The petitioner is the convenor of Ayothidasar Students Union and the said Association is actively involved in protecting the rights of the students' community. In earlier, the Central Government has approved the New Education Policy 2020, which is adversely affecting the fundamental rights to education of the children. Hence, the petitioner and others decided to conduct a peaceful demonstration insisting the Central Government to withdraw the New Education Policy.

3. In this regard, the petitioner sent a representation dated 11.08.2020 to the third respondent seeking for permission to conduct demonstration on 14.08.2020 at about 09.30 a.m., at W.Pudhupatti Bus Stand. Surprisingly, the third respondent has rejected the request made by the petitioner by way of issuing the impugned order, dated 12.08.2020, stating that Section 30(2) of the Police Act, is in force.

4. According to the petitioner, the said reason stated by the third respondent is arbitrary and therefore, suitable action is necessary from this Court for conducting demonstration.

5. According to the petitioner, the permission was refused by the respondents for conducting demonstration is clear violation of freedom of speech and expression of a citizen of India as guaranteed under Article 19(1) (a) of the Constitution of India.

6. Per contra, the learned Additional Public Prosecutor appearing for the respondents would submit that due to Covid-19 pandemic all the people are suffering more. Therefore, the third respondent has rightly rejected the prayer sought for by the petitioner. According to him, this is not a suitable time to consider the representation given by the petitioner, particularly, for conducting the demonstration.

7. Upon considering the arguments advanced by either side, it is not in dispute that the entire nation is suffered from Covid-19 pandemic and the experts has stated that if four or five persons are gathering in a particular place, due to which, Covid-19 virus has easily spread over from one person to another person. Only because of the said reason, the State Government insisted all the people to maintain social distance. In otherwise, it is impossible to control the spread of Covid-19.

8. In the said circumstances, though the request made by the petitioner is a reasonable one, considering the current situation prevailing in the entire nation and if permission is accorded as per the request made by the petitioner, it will affect the health of the public and consequently, it may lead to loss of life. Therefore, in the said circumstances, the grievance addressed



by the petitioner cannot be redressed at this stage and hence, the Writ Petition is dismissed with liberty to the petitioner to file a fresh Writ Petition after completion of Covid-19. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1.The Superintendent of Police,
O/o.the Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.
- 3.The Inspector of Police,
Vathirayiruppu Police Station,
Vathirayiruppu,
Virudhunagar District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-15879[F] dated 03/09/2020)

W.P. (MD)No.10683 of 2020
02.09.2020

KB(10.09.2020) 3P 5C