



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.(MD) No.18743 of 2020

K.Chandran

... Petitioner

Vs

1.The Superintendent of Police,
The Office of Superintendent of Police,
Thenkasi District - 627 758.

2.The Deputy Superintendent of Police,
The Office of Deputy Superintendent of Police,
Puliyangudi,
Sivagiri Taluk,
Thenkasi District.

3.The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi,
Sivagiri Taluk,
Thenkasi District.

4.The Thasildar,
Sivagiri Taluk Office,
Sivagiri,
Tenkasi District.

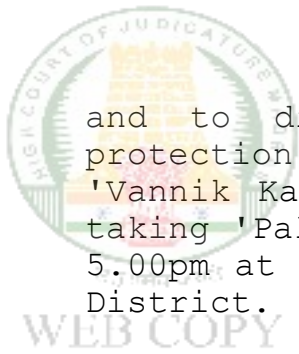
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorafified Mandamus, to call for the impugned order vide No.Na.Ka.No.85/Mike/2020 dated 06.12.2020 of the 2nd respondent and quash the same as illegal, unconstitutional, unjust, unfair, unsustainable and ultravires and consequently directing the respondents to give permission and police protection for celebrating 260th death anniversary memorial day of 'Vannik Kalladi"/freedom fighter and procession with his photo and taking 'Palkudam' and 'Mulaipparai' on 20.12.2020 between 7.00 am to 5.00pm at Patchery Village, Nelkattumseval, Sivagiri Taluk, Tenkasi District.

For Petitioner : Mr.R.Suresh Kumar
For Respondents : Mr.R.Srinivasan,
Government Advocate

O R D E R

This Writ Petition has been filed to quash the impugned order vide No.Na.Ka.No.85/Mike/2020 dated 06.12.2020 of the 2nd respondent
<https://hcservices.ecourts.gov.in/hcservices/>



and to direct the respondents to give permission and police protection for celebrating 260th death anniversary memorial day of 'Vannik Kalladi"/freedom fighter and procession with his photo and taking 'Palkudam' and 'Mulaipparai' on 20.12.2020 between 7.00 am to 5.00pm at Patchery Village, Nelkattumseval, Sivagiri Taluk, Tenkasi District.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a Nattanmai of Petchery Village and he belongs to a Devendrakula Vellalar community and that 500 families are residing in this village. He would further submit that the members of his village have decided to celebrate the anniversary of Mr.Vennik Kalladi, who has fought against the British Rule in India. He would further submit that the anniversary has been celebrated on the 20th of December every year and accordingly, the petitioner had sent a representation on 05.12.2020 to the respondents to give permission to conduct the function. The second respondent, by proceedings dated 06.12.2020, has rejected the request of the petitioner to conduct the function on the ground that there is an order under Section 144 Cr.P.C is in existence in order to curb the rapid spread of the COVID 19.

4.The learned counsel would further submit that earlier even during the last year, the petitioner had applied for permission to conduct the function and it was rejected by the respondent police thereby the petitioner had approached this Court for filing W.P. (MD) No.26578 of 2019 and this Court, by order dated 18.12.2018, directed the respondents to grant permission to the petitioner to conduct the function and after complying with the conditions imposed by the respondent police. He would further submit that the petitioner also appeared before the respondent police and given undertaking to comply with the conditions imposed by the respondent police. Based on which, last year, the function was conducted without any law and order problem. He would further submit that since no undue incident took place, a direction may be issued to the respondent police to grant permission to conduct the programme at the same place where the function was conducted last year i.e., at S.No.743/3 Nerkattumselval village. The learned counsel would further submit that even during this Covid-19, the Government has allowed many processions, agitations, political meetings and other government functions and the petitioner undertakes that he will properly maintain peace and ensure that no untoward incidents will be occurred during the funtion.

5.A detailed counter affidavit has been filed by the second respondent.



6.The learned Government Advocate appearing for the respondents vehemently opposed for grant of permission stating that the place, in which, the petitioner has decided to conduct the meeting, is communally a very sensitive area and there are lot of communal issues pending between the members belonging to various communities and that the respondents finding very difficult, have rejected the plea of the petitioner.

7. Perusal of record shows that the petitioner has not complied with certain conditions and particulars were not furnished as required by the respondents. Therefore, the petitioner shall appear before the respondents and give a fresh representation with all the details as requested by the respondents and the respondents shall consider the said representation and explore the feasibility of granting permission by imposing stringent conditions and pass fresh orders forthwith.

8.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-I)

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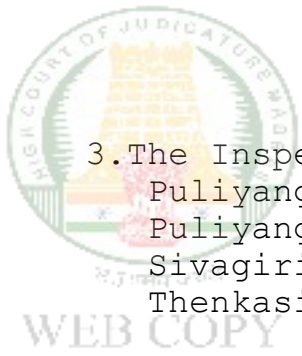
Sub Assistant Registrar(CS)

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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,
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3.The Inspector of Police,
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