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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.636 of 2015
and
M.P. No.1 of 2015

1. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.

3. The Assistant Commissioner of Police,
Vepery Range, Chennai 600 007

... Appellants/Respondents

vs

Dravidar Kazhagam,
Rep by its Vice President,
Mr.Kali Poongundran,
S/o.Mr.M.Kandasamy,
84/1(5), EVK Sampath Salai,
Vepery, Chennai 600 007

... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 13.04.2015 made in W.P.No.10804 of 2015 on the file of this Court.

Prayer in W.P.No.10804 of 2015: Petition filed under Article 226 of the Constitution of India to issue of Certiorari calling for the records in Na.K.a. No.15/u.Aa (Vepery) Camp/2015 dated 12.04.2015 on the file of the 3rd respondent and quash the same as arbitrary, illegal and violation of Fundamental rights of the petitioner.



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For Appellants : Mr.R.Shanmugasundaram,
Advocate General,
assisted by
Mr.T.Arunkumar
Government Advocate

For Respondent : Mr.A.Thiyagarajan,
Senior Counsel
for Mr.D.Veerasekaran

JUDGMENT

[Judgment of this Court was delivered by T.RAJA, J.]

The Secretary to Government, Home Department and two others filed the present appeal, questioning the correctness of the impugned order dated 13.04.2015 passed by the learned Single Judge in W.P. No.10804 of 2015, wherein the appellants were directed to give adequate protection to conduct the programme relating to 125th Birth Anniversary of Dr.Ambedkar and other programmes in a peaceful manner.

2.It is seen from records that the respondent/writ petitioner organised a private function to be held within the premises of their head office at 84/1, (50), EVK Sampath Salai, Vepery, Chennai - 600 007 to celebrate 125th birth anniversary of great freedom fighter and father of Indian Constitution Dr.B.R.Ambedkar, who fought for the rights and welfare of the downtrodden and socially backward classes of people throughout his life and in the course of events, awareness programs like voluntary removal of thali by the self respect couples and eating of beef were organised. Therefore, a letter dated 29.03.2015 was served to the Commissioner of Police, Chennai and the Assistant Commissioner of Police, Vepery by Proceedings dated 12.04.2015, prohibited the writ petitioner from performing the function on 14.04.2015 that was challenged in the writ petition. However, the learned Single Judge, by order dated 13.04.2015, quashing the impugned order dated 12.04.2015, permitted the writ petitioner to conduct the programmes peacefully with a further direction to the respondents police therein to give adequate police protection to conduct the programmes in a peaceful manner in terms of the judgment of the Apex Court cited therein, as guaranteed under Article 19(1)(a) and 1(b) of the Constitution of India.

3.When the matter is taken up today, the writ petition has



become infructuous for the reason that the programme scheduled to be held on 14.04.2015, was conducted peacefully.

4.Mr.R.Shanmugasundaram, learned Advocate General assisted by Mr.T.Arunkumar, learned Government Advocate appearing for the appellants submitted that this appeal has become infructuous, since the writ petitioner proceeded with the function on 14.04.2015 and nothing survives now, therefore, the appeal may be dismissed.

5.As the function was already held by the writ petitioner on 14.04.2015, nothing survives for adjudication as submitted by the learned Advocate General appearing for the appellants. Accordingly, the writ appeal is dismissed as infructuous. Consequently, M.P. No.1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.
3. The Assistant Commissioner of Police,
Vepery Range, Chennai 600 007

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.56078

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KK(CO)
SU(02/12/2021)