



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.21034 of 2021

C.K.Deivammal

... Petitioner

vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Usilampatty Town Police Station,
Usilampatty,
Madurai District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide permission and necessary protection to conduct a program by keeping a photo of Dr.Ambedkar near Murugan Temple at Usilampatty town and to garland and pay respect to him which is scheduled to be held on 06.12.2021 at 10.00 a.m.

For Petitioner	: Mr.A.John Vincent
For Respondents	: Mr.T.Senthil Kumar Additional Public Prosecutor

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2.The petitioner is an office bearer of a political organization (Tamil Desa Makkal Munnani). The petitioner wants to observe the memorial day of Dr.Ambedkar on 06.12.2021 at 10.00 a.m., near Murugan Temple, Usilampatty Town. The petitioner had already given a representation dated 17.11.2021 in this regard. Since the petitioner's request did not elicit any response, this writ petition came to be filed.

3.When the matter was taken up for hearing, Mr.Vijaya Baskaran, Inspector of Police, Usilampatty Town Police Station, was present in person. He submitted that near the petition mentioned site the statues of Shri.Pasumpon Muthuramalingam Thevar as well as Shri.P.K.Mookiah Thevar are situated. According to him, the venue chosen by the petitioner is highly sensitive. The locality is said to be predominantly populated by Piramalai Kallar Community. According to him, even a slightest provocation might lead to



conflagration. He further submitted that the petitioner can chose an alternative site near the housing board which is hardly 50 meters away from the petition mentioned site.

4.The learned Additional Public Prosecutor submitted that in matters concerning law and order problem, this Court should defer to wisdom of the executive. It is only the second respondent, who is fully cognizant of the ground reality. This Court ought to pay heed to the apprehensions and misgivings expressed by the jurisdictional officer.

5.The learned counsel submitted that the writ petition can be disposed of by permitting the petitioner to conduct the petition mentioned event at an alternative site as suggested by the second respondent.

6.I carefully considered the rival contentions and went through the materials on record.

7.I cannot brush aside the objections raised by the respondents at the same time. I cannot also lose right of the fact that Dr.Ambedkar ought not to be seen as communally polarizing figure. Dr.Ambedkar is the father of Indian Constitution and therefore, there cannot be any objection to conduct a programme in his memory and honour. I therefore suggested to the petitioner's counsel that as a first step, the event can be held at the petition mentioned site itself but then timings can be left to the decision of the second respondent.

8.Taking note of the rival contentions, I direct the jurisdictional Deputy Commissioner of Police to grant permission to the petitioner to hold the petition mentioned event at near Murugan Temple, Usilampatty Town between 8.15 a.m. to 8.45 a.m.

9.The petitioner undertakes that they will adhere to all the conditions that may be stipulated by the jurisdictional Deputy Commissioner of Police. About 50 persons are likely to assemble. That programme will not go beyond 30 minutes and at the end of the 30 minutes, the participants will disperse.

10.Recording the petitioner's undertaking, this Writ Petition is allowed.

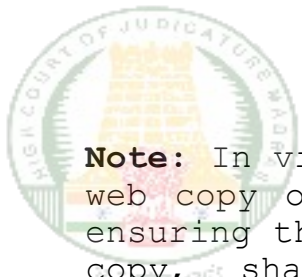
Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

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To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Usilampatty Town Police Station,
Usilampatty,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A. JOHN VINCENT, Advocate (SR-35974[F]
dated 25/11/2021)

W.P. (MD) No.21034 of 2021
25.11.2021

DKS (CO)
GC/SKN/SAR-I (26.11.2021) 3P 5C