



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.22608 of 2021

and

W.M.P. (MD)No.19119 of 2021

WEB COPY

P.Madhukkanperumal

... Petitioner

-Vs-

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul District,
Dindigul.
 - 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Ottanchathram,
Dindigul District.
 - 3.The Inspector of Police,
Edayakottai Police Station,
Dindigul District.
 - 4.The Sub Inspector of Police,
Ottanchathram Police Station,
Dindigul District.
 - 5.Chinnasamy,
The Sub Inspector of Police,
Edayakottai Police Station,
Dindigul District.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.555/O.Ka./2021, dated 13.12.2021 on the file of the second respondent and quash the same as illegal to the extent of imposing condition and change the venue and time and consequently, direct the second respondent to grant permission to conduct a demonstration on 30.12.2021 at about 10.00 a.m., to 12.00 p.m, or any other date near railway junction, Ottanchatram, Dindigul District within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)



ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents.

2. The petitioner had earlier filed W.P.(MD)No.21935 of 2021 seeking permission to conduct a demonstration. The said petition was allowed on 10.12.2021. However, the second respondent had passed an order dated 13.12.2021 changing the venue itself. Aggrieved by the same, this Writ Petition has been filed.

3. Taking into account the special facts and circumstances obtaining in this case, this Court permits the petitioner to hold the petition mentioned demonstration at the usual meeting place at railway junction on 30.12.2021 from 11.00 a.m., to 01.00 p.m.. The petitioner is permitted to use the sound amplifier system and the decibel level will be well within the permissible limits, since it is stated by the respondent police that within 100 meters, a hospital is located. A maximum number of 75 persons can take part in the demonstration. However, the social distancing has to be maintained. The other conditions set out in the impugned order dated 13.12.2021 will have to be complied with.

4. This Writ Petition is allowed. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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,
Dindigul District,
Dindigul.



2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Ottanchathram,
Dindigul District.

3.The Inspector of Police,
Edayakottai Police Station,
Dindigul District.

4.The Sub Inspector of Police,
Ottanchathram Police Station,
Dindigul District.

5.The Sub Inspector of Police,
Edayakottai Police Station,
Dindigul District.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-39877[F] dated 21/12/2021)
W.P. (MD) No.22608 of 2021
21.12.2021

SR (CO)
GC(23.12.2021) 3P 8C