



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.12.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

W.P. (MD)No.26100 of 2019

WEB COPY

Tamilazhaga Makkal Munnetra Kazhaga Government
Transport Union,
Rep. by its Secretary,
T.Selvakumar, S/o.C.Thamman,
No.1, Chidambara Nagar Main Road,
Thoothukudi - 628 008. ... Petitioner
Vs.

1.The District Collector,
Thoothukudi District.
2.The Assistant Superintendent of Police,
Thoothukudi District.
3.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 01.10.2019 passed by the third respondent, quash the same as illegal and consequently, permit the petitioner to conduct the inaugural function of flag hoisting by using mike set in front of Depot of the State Express Transport Corporation, Thoothukudi Branch, Thoothukudi District, on any day as permitted by this Court.

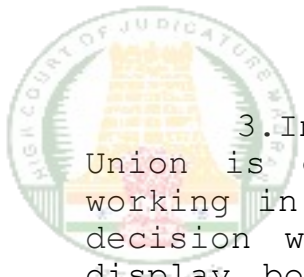
For Petitioner : No Appearance

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

No representation for the petitioner.

2.This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus, to quash the order dated 01.10.2019, passed by the third respondent refusing to grant permission to the petitioner herein to erect their Party flag at the entrance of Thoothukudi Government Express Transport Corporation Depot.



3. In the Writ Petition, it is contended that the petitioner Union is effectively involved in the upliftment of its members working in Tamil Nadu State Transport Corporation, Thoothukudi. A decision was taken by the Association to erect a flag post and display board informing about their day-to-day activities to its Members in front of the Depot. For the said purpose, they have also fixed the date for inauguration, coinciding the Memorial day of Dr. Ambedkar [06.12.2019]. When permission was sought for celebrating the inauguration function and erect the flag post, the same was declined by the third respondent citing safety of the general public and place where they have chosen to erect the flag post belongs to Government Department and therefore, permission from the respective Department has to be obtained. Further, the permission to conduct the inaugural function was declined on the ground that Section 30(2) of the Police Act is in force during that period.

4. This Court finds no illegality in the said order of rejection, since it involves particularly safety of the general public and the place, which is chosen by the petitioner herein to erect the flag post belongs to the Government Department and without their permission, no structure can be erected. Therefore, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To

1. The District Collector, Thoothukudi District.
2. The Assistant Superintendent of Police,
Thoothukudi District.
3. The Inspector of Police,
SIPCOT Police Station, Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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