



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P (MD) No.12379 of 2022

S.Rambabu

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.

2.The Commissioner of Police,
Tirunelveli City.

3.The Assistant Commissioner,
Junction Region,
Tirunelveli City.

4.The Deputy Superintendent of Police,
Puliyampatti Range,
Thoothukudi District.

5.The Inspector of Police,
Maniyachi Police Station,
Thoothukudi District.

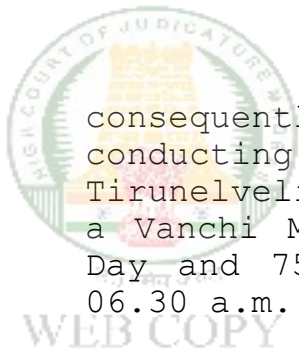
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to order dated 15.06.2022 vide proceedings Nil passed by the third respondent and quash the same as illegal consequently direct the respondents herein to grant permission for conducting Thiya Jothi Thodar Ootam starts from Bharathiyar Statue Tirunelveli Junction and ends at Vachinathan Memoraial Hall situated a Vanchi Maniyachi in the light of Thiyagi Vanchinathan Memorital Day and 75th Year Independence Day Celebration on 17.06.2022 from 06.30 a.m. to 10.00 a.m.

For Petitioner : Mr.K.P.S.Palanivelrajan
for Mr.R.Balaji Krishnaswamy
For Respondents : Mr.M.Sakthikumar
Government Advocate (crl.side)

O R D E R

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to order dated 15.06.2022 vide proceedings Nil passed by the third respondent and quash the same as illegal



consequently, direct the respondents herein to grant permission for conducting Thiya Jothi Thodar Ootam starts from Bharathiyar Statue Tirunelveli Junction and ends at Vachinathan Memoraiial Hall situated a Vanchi Maniyachi in the light of Thiyagi Vanchinathan Memorial Day and 75th Year Independence Day Celebration on 17.06.2022 from 06.30 a.m. to 10.00 a.m.

2.Mr.M.Sakthikumar, learned Government Advocate (Criminal Side) takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner is proposed to celebrate 75th year Independence Day and Thiyagi Vanchinathan Memorial Day. In pursuance of that memorial, they are organizing several programmes and one of the programmes is Thiya Jothi Thodar Ootam, which starts from Bharathiyar Statue, Tirunelveli Junction to Vachinathan Memorial Hall situated at Vanchi Maniyachi, in which, several social activities and freedom fighters and other Legislative Members are proposed to participate and pay tribute to the freedom fighter Vanchinathan. In this regard, the petitioner gave representation on 20.05.2022 seeking permission for conducting Thiya Jothi Thodar Ootam scheduled to be held on 16.06.2022 and 17.06.2022. But the third respondent police, by the impugned order dated 15.06.2022 rejected the representation. Challenging the same, the present writ petition has been filed.

4.The learned Government Advocate (Crl.side) appearing for the respondents, on instructions, submitted that there will be a traffic problem and possibilities of accidents, since the proposed Thiya Jothi Thodar Ootam is on the National Highway and schools are opened recently.

5.I have considered the submissions of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.

6.On perusal of records, it is seen that the petitioner is organizing to conduct several programmes in view of 75th Year Independence Day and Thiya Jothi Thodar Ootam starts from Bharathiyar Statue, Tirunelveli Junction to Vachinathan Memorial Hall situated at Vanchi Maniyachi, for which, permission has been sought by the petitioner from the third respondent and the same was rejected.

7.I have perused the impugned order passed by the third respondent. The permission was rejected by the third respondent on the ground that if Thiya Jothi Thodar Ootam is permitted, there will be a traffic conjunction and possibilities of accidents in the Highways. The reason given in the impugned order is not acceptable
<https://hcservices.ecourts.gov.in/hcservices> this reason, there is no valid reason assigned by



the third respondent in the impugned order for rejecting the permission.

8.The petitioner being the citizen of India, is organizing to conduct many programmes in remember of Thiyagi Vanchinathan in view of 75th year Independence day. The respondent police ought to have encourage the petitioner instead of rejecting the permission without assign any valid reason. The Central and State Governments are also proposed to celebrate Independence day. In such circumstances, this Court is inclined to set aside the impugned order. Accordingly, the impugned order of the third respondent dated 15.06.2022 is set aside. The respondent 2 to 4 are directed to give necessary police protection for conducting Thiya Jothi Thodar Ootam which starts from Bharathiyar Statue, Tirunelveli Junction to Vachinathan Memorial Hall situated at Vanchi Maniyachi. The petitioner is also directed to conduct Thiya Jothi Thodar Ootam programme peacefully and not involved in any illegal activities and not cause any traffic problem. Further, the petitioner is directed to give undertaking letter to this effect.

9.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

16/06/2022

Sub Assistant Registrar(CS)

To

- 1.The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.
- 2.The Commissioner of Police,
Tirunelveli City.
- 3.The Assistant Commissioner,
Junction Region,
Tirunelveli City.
- 4.The Deputy Superintendent of Police,
Puliyampatti Range,
Thoothukudi District.



5.The Inspector of Police,
Maniyachi Police Station,
Thoothukudi District.

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

+1 CC to M/s.C. SENTHIL MURUGAN, Advocate (SR-26247[F] dated
16/06/2022)

W.P (MD) No.12379 of 2022
16.06.2022

RS (16.06.2022) 4P-8C