



W.P(MD)No.16164 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.16164 of 2022

and

W.M.P(MD) No.11698 of 2022

Shanthakumar

...Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Deputy Superintendent of Police,
Sivakasi,
Virudhunagar District.

3. The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent vide his Proceedings in Namuna No.268/Kaa. Thu.Ka/Siva/2022, dated 20.07.2022 and quash the same as illegal and



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consequently direct the respondents to give permission and protection to conduct Padhayathra (Awareness Walk) on behalf of Bharathiya Janatha Party on 23.07.2022 at about 7.00 A.M headed by State General Secretary and West District President of Bharathiya Janatha Party along with 1000 Cadres from Thiruthangal to District Collectorate, Virudhunagar via Amathur.

For Petitioner	: Mr.H.Lakshmi Shankar for V.Malaiyendran
For Respondents	: Mr.M.Sakthi Kumar Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent vide his Proceedings in Namuna No. 268/Kaa. Thu.Ka/Siva/2022, dated 20.07.2022.

2. The learned counsel for the petitioner submitted that the Central Government Fund was allotted for establishment of Textile Park in Virudhunagar District and even after lapse of several years, no steps have been taken by the State Government of Tamil Nadu for implementation



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of the said project by utilizing the funds of the Central Government and so far, the land was not allotted by the State Government till date. Since the Textile work was not commenced and no work was started, in order to bring it to the knowledge of the Government, they want to conduct Padhayathra (Awareness Walk) leading by West District President of Virudhunagar District, BJP and State General Secretary, BJP along with 1000 Cadres of BJP on 21.07.2022 at about 07.00 a.m from Thiruthangal to Virudhunagar District Collectorate office via Amathur. He further submitted that the representation was rejected on 20.07.2022 on the ground that some people residing in the area of proposed textiles park opposed and there is a likelihood of law and order problem. Hence, the present petition has been filed.

3. In these circumstances, the learned counsel for the petitioner seeks permission to conduct the said procession on 25.07.2022 at 07.00 a.m.



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4. The learned Government Advocate (Criminal Side) objected to grant any permission to conduct the said Padhayathra (Awareness Walk) on 23.07.2022 on the ground that the Tamil Nadu Public Service Commission has fixed to conducting Group IV examination on 24.07.2022. Hence, the Tamil Nadu Police has to be mobilized for providing bandobus for Examination Centres and it is very difficult to give permission for the said Padhayathra (Awareness Walk) as proposed by the petitioner. He further submitted that the respondent police is ready to consider the request of the petitioner if the petitioner fixes some other date to conduct the Padhayathra.

5. The learned counsel for the petitioner fairly concedes that the petitioner is ready to fix the Padhayathra (Awareness Walk) on 25.07.2022 at 07.00 a.m from the same place i.e., from Thiruthangal to District Collectorate, Virudhunagar via Amathur. He further submitted that only ten members will meet the District Collector. He further submitted that the petitioner is ready to give a fresh representation mentioning the date as 25.07.2022.



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6. It is noted that the second respondent police, without considering the circular of the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019 rejected the petitioner's representation. Hence, the impugned order is hereby set aside.

7. In view of the above, the petitioner is directed to give a fresh representation as mentioned above to the second respondent. On receipt of such representation, the second respondent shall consider the same based on the circular of the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019 and grant permission.

8. With the above direction, this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

22.07.2022

Index :Yes/No
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Note: Issue order copy on 22.07.2022



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To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Deputy Superintendent of Police,
Sivakasi,
Virudhunagar District.
3. The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM., J

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