



W.P.(MD)No.23029 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23029 of 2022

T.Kareventhan

.. Petitioner

Versus

1.State, Rep. by the Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.State, Rep. by the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.

3.State, Rep. the District Collector,
Collectorate Campus,
Karur.

4.State, Rep. by the Registrar of Societies,
District Registrar,
Karur.

5.State, Rep. by the Revenue Divisional Officer,
Office of the Divisional Officer,
Karur.

6.State, Rep. the Deputy Superintendent of Police,
Karur Town Sub-Division,
Karur District.

7.State, Rep. by the Inspector of Police,
Karur Town Police Station,
Karur.



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8.State Rep. by the Tahsildar,
Office of Tahsildar,
Karur.

9.U.Thanikasalam

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 8 to consider the petitioner's representation, dated 27.09.2022 and consequently, direct the respondents 1 to 8 to restrain the 9th respondent from conducting the General Body Meeting on 2nd October, 2022 at Kongu Thirumana Mandapam, Kovai Road, Karur, using the name of "Tamil Nadu Kongu Ilaingar Peravai" and to remove the name in notice, flex board and wall posters etc.

For Petitioner	:	Mr.V.Muthumani
For Respondents 1 and 4:		Mr.S.R.A.Ramachandran Additional Government Pleader
For Respondents 2, 6 & 7:		Mr.R.M.Anbunithi Additional Public Prosecutor
For Respondents 3, 5 & 8:		Mr.A.Kannan Additional Government Pleader
For 9 th Respondent	:	Mr.R.Manohar

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 to 8 to consider his representation, dated 27.09.2022 and consequently, direct the respondents 1 to 8 to restrain the 9th respondent from conducting the General Body Meeting on 2nd October, 2022 at Kongu Thirumana Mandapam, Kovai Road, Karur, using the name of "Tamil Nadu



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Kongu Ilaingar Peravai" and to remove the name in notice, flex board and wall posters etc.

2.The petitioner submits that he is the founder of Tamil Nadu Kongu Ilaingar Peravai, which was formed and registered under the Registration of Societies Act on 20.10.2016. The said organisation is a recognized political party of the Election Commission of India and it is governed by its bye-laws. Apart from the political activities, the petitioner's organisation has also involved in the welfare of Kongu people. The petitioner's organisation is in consonance with the Representation of People Act, 1951 and the Rules of Election Commission of India.

3.The petitioner further submits that the 9th respondent herein, who is a former Member of Legislative Assembly for Kangayam Constituency and not a member of the petitioner's organisation, is trying conduct General Body Meeting on 02.10.2022 at Kongu Thirumana Mandapam, Kovai Road, Karur, in the petitioner's party name "Tamil Nadu Kongu Ilaingar Peravai" to create law and order situation among the petitioner's community in the country. In this regard, various complaints have been lodged before the authorities concerned.



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4.The petitioner also submits that the 9th respondent without any registration of his party name, is making money by using the other political party name. Hence, the petitioner made a representation to the respondents 1 to 8 on 27.09.2022 to restrain the 9th respondent from conducting the General Body Meeting on 02.10.2022 at Kongu Thirumana Mandapam, Kovai Road, Karur, using the name of "Tamil Nadu Kongu Ilaingar Peravai" and to remove the name in notice, flex board and wall posters etc. They have not taken any action so far. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

5.Today, when the matter is taken up for hearing, the respondent Police has produced a representation of one P.Arulkumar, Secretary of Thaniarasu Tamil Nadu Kongu Ilaingar Peravai, Karur District, wherein a permission has been sought by him to conduct General Body Meeting of the said organisation on 02.10.2022 at Kongu Thirumana Mandapam, Kovai Road, Karur and wanted to fix flex board and banner and also wanted garlanding of the Mahatma Gandhi Statue and also sought for police protection. In the said representation, he has stated that around 500 people will attend the said meeting. In the said representation, below the tiger symbol "Thaniarasu Tamil Nadu Kongu Ilaingar Peravai" name has been printed. However, the petitioner submits that one Periyasamy @ U.Thaniarasu has misused the name of Tamil



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Nadu Kongu Ilaigar Peravai, decided to conduct the meeting the General Body Meeting of the Organisation on 02.10.2022 at Kongu Thirumana Mandapam, Kovai Road, Karur, and pasted poster and fixed flex boards.

6. According to the learned counsel for the 9th respondent, the posters and flex boards are only in the name of Thaniarasu Tamil Nadu Kongu Ilaigar Peravai and they have nothing to do with the Tamil Nadu Kongu Ilaigar Peravai, alleged to have been registered under Registration No. 30/2016. They have also sent a complaint to the Election Commission, regarding the similarity of name as well as the symbol namely, tiger. All these aspects have to be gone into by a competent forum and not by this Court.

7. Further, according to the respondent Police, they have not issued any permission so far for any General Body Meeting on 02.10.2022. The said statement is recorded.

8. In view of the above, the petitioner's prayer cannot be considered. That being the case, it is open to the Police authorities to follow the guidelines issued by the higher authorities with regard to the subject matter. The petitioner has to agitate the dispute before the competent forum and not before this Court under Article 226 of the Constitution of India.



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9.This Writ Petition stands dismissed accordingly. No costs.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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