



**W.P(MD)No.25416 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 09.11.2022**

**CORAM :**

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

**W.P(MD)No.25416 of 2022**

**P.Tamilselvam**

**...Petitioner**

**Vs.**

**1.The Superintendent of Police,  
Madurai District.**

**2.The Deputy Superintendant of Police,  
Melur Sub Division,  
Madurai District.**

**3.The Inspector of Police,  
Melur Police Station,  
Madurai 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 relating to the impugned order of the third Respondent in Na.Ka.No.118 / Melur Circle / 2022 dated 04.11.2022 and quash the same and consequently directing the Respondents to provide necessary permission to conduct public meeting on 13.11.2022 or any other subsequent suitable date to pay tribute to the Great freedom fighter Maruthu Brothers on commemoration of their 221 years Death Anniversary.



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For Petitioner : Ms.V.Thirumal  
For Respondents : Mr.R.Suresh Kumar  
Government Advocate (Crl.side)

### **ORDER**

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the third Respondent in Na.Ka.No.118 / Melur Circle / 2022 dated 04.11.2022 and quash the same and consequently directing the Respondents to provide necessary permission to conduct the public meeting on 13.11.2022 or any other subsequent suitable date to pay tribute to the Great freedom fighter Maruthu Brothers on commemoration of their 221 years Death Anniversary.

2. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side) appearing for the Respondents.

3. The learned Counsel for the Petitioner submits that he is organizing the celebration of the 221 years of Death Anniversary of the great freedom fighter Maruthu Brothers and he had sought permission



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with the third Respondent to conduct the celebration on 13.11.2022, which was rejected by the third Respondent by his proceeding dated 04.11.2022. Therefore, the Petitioner had filed this Writ Petition seeking Writ of Certiorarified Mandamus to permit him to conduct the celebration to pay tribute to the great freedom fighter Maruthu Brothers on commemoration of their 221 years Death Anniversary.

4. The learned Government Advocate (Crl. Side) vehemently objects stating that the proceeding of the third Respondent is based on the intelligence feed back obtained from the Field Intelligence Officer. Further, he submits that there is no second opinion regarding the celebration of Death Anniversary of the great freedom fighter Maruthu Brothers, but the place to the celebration at Melur bus stand cannot be accepted based on the intelligence feed back obtained by the home department, based on which, the third Respondent had rejected the petition filed by the Petitioner seeking permission to celebrate the Death Anniversary of Maruthu Brothers, the great freedom fighter.

5. Further, the learned Government Advocate (Crl. Side) submits that Melur town limit is notorious for caste clashes. He invited the



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attention of the Court to give permission in the said Police Station limits, therefore, apprehending the law and order issues, he rejected the petition of the Petitioner.

6. Further, the learned Government Advocate (Crl. Side) submits that the rulings relied by the learned Counsel for the Petitioner in **2014-1-L.W.465 T.M.Thaniyarasu Vs. The Commissioner of Police, Egmore, Chennai -8**, will not help the Petitioner's case, whereas in the said order, the Police refused to grant permission to conduct public meeting, but the Court directed them to Kalaignar Arangam, Annai Sivagami Nagar play ground, Thiruvottiyur, Chennai within the limits of Ennore Police Station. The second case relied by the learned Counsel for the Petitioner in **2019-1-L.W. (Crl.) 345 Tamilmaran @ Regan Vs. The Inspector of Police, Hosur Town Police Station, Hosur, Krishnagiri District**, where they had sought permission to conduct the blood donation camp to mark the birth anniversary of LTTE leader Velupillai Prabhakaran, that was also granted. Here, it is a sensitive area for communal tension, apprehending the law and order issues.



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7. The learned Government Advocate (Crl. Side) submits that the Petitioner may seek a venue either in a Marriage Hall or in a auditorium, if the Petitioner is allowed to conduct the celebration, it will lead to communal tension in the Melur Police Station limits. Therefore, based on the intelligence feed back, the third Respondent had rightly rejected the permission to hold the death anniversary of the great freedom fighter Maruthu Brothers. Therefore, the learned Government Advocate (Crl.side) objects to the prayer of the Petitioner and seeks this Court to dismiss this petition.

8. Placing on the latest ruling of the High Court, Madras in **W.P.No.24540 of 2022 dated 22.09.2022**, the learned Counsel for the Petitioner submits that these are all rights protected under Article 19 of the Constitution.

9. Considering the submission of the learned Counsel for the Petitioner, the learned Government Advocate (Crl. Side) and the fact that the previous clashes are occurred in Melur due to communal clash and the submission of the learned Government Advocate (Crl. Side) is accepted. The Respondents are directed to consider the Petitioner's



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petition seeking permission to hold the meeting regarding 221 Death Anniversary of the great freedom fighters Maruthu Brothers either in a Marriage Hall or in a Auditorium. The Petitioner is directed to give fresh representation to the Respondents by changing the venue of the meeting.

10. With the above direction, this Writ Petition stands disposed of.

No costs.

**09.11.2022**

Index : Yes/No

Internet : Yes/No

*indu*

**Note: Issue Order copy on 09.11.2022**

To

1. The Superintendent of Police,  
Madurai District.
2. The Deputy Superintendant of Police,  
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**SATHI KUMAR SUKUMARA KURUP, J.**

*indu*

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