



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Friday, the Thirty First day of March Two Thousand and Two
PRESENT



The Hon`ble Mr.Justice G.ILANGO VAN

WMP(MD) . No.6857 of 2023
in

WP(MD) . No.6552 of 2023

T. Vasanthakumar

... Petitioner

Vs

1 The Government of Tamil Nadu
Rep by Home Secretary
Fort St.George
Chennai-600 009

2 The Director General of Police
Dr.Radhakrishnan Salai, Chennai-600 004

3 The District Collector
Thoothukudi District

4 The Commissioner
Thoothukudi Corporation, Thoothukudi District

5 The Superintendent of Police
Thoothukudi District, Thoothukudi

6 The Inspector of Police
Thenpakkam Police Station, Thoothukudi

7 The Inspector of Police
Mathiappakkam Police Station, Thoothukudi

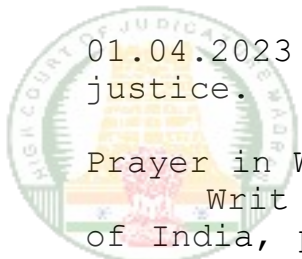
8 The Inspector of Police
Vadappakkam Police Station, Thoothukudi

... Respondents

Prayer in WMP(MD)No.6857 of 2023:-

This Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition, filed under Article 226 of the Constitution of India, praying this court to modify the order dated 27.03.2023 made in W.P.(MD).No. 6552 of 2023 as directing the respondents more particularly the 5th and 7th respondents to give permission to the petitioner to conduct State Conference of Indu Makkal Katchi -Tamizhagam to conduct Function at Abirami Mahal, Tuticorin on 01.04.2023 between 10 A.M. and 8 P.M. and State Conference of Indu Makkal Katchi - Tamizhagam to be held on 02.04.2023 between 3 P.M. and 8 P.M. near Chidambaram Nagar bus stand (Public meeting place) and also give adequate police protection to the conference and its participants instead of Permitting the petitioner only to conduct the indoor meeting on

<https://www.mhc.tn.gov.in/judis>



01.04.2023 by imposing appropriate conditions and thus for justice.



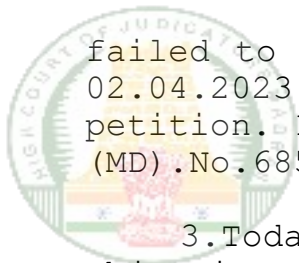
Prayer in WP(MD). 6552/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 relating to the impugned order dated 20.03.2023 made in vide no. C.No. 4/Forecast/B2 PS/TUT/2023 passed by the 3rd respondent and quash the same as null and void and consequentially directing the respondents more particularly the 5th respondent to give permission to the petitioner to conduct State Conference of Indu Makkal Katchi Tamizhagam to conduct Function at Abirami Mahal, Thoothukudi on 01.04.2023 between 10 AM and 8 PM and State Conference of Indu Makkal Katchi Tamizhagam to be held on 02.04.2023 between 3 PM and 8 PM near Chidambaram nagar bus Stand, Tuticorin and also give adequate police protection to the conference and its participants.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. N. Anandha Padmanabhan, Senior Counsel for mr, B. Ayyaswamy, Advocate for the Petitioner and of Mr. B. Nambiselvan, Additional Public Prosecutor, for the respondents 1 to 3 & 5 to 7, this Court made the following order:

This miscellaneous petition has been filed to modify the order dated 27.03.2023 made in W.P.(MD).No.6552 of 2023 as "directing the respondents more particularly the 5th and 7th respondents to give permission to the petitioner to conduct State Conference of Indu Makkal Katchi - Tamizhagam to conduct Function at Abirami Mahal, Tuticorin on 01.04.2023 between 10.00 a.m. and 08.00 p.m., and State conference of Indu Makkal Katchi - Tamizhagam to be held on 02.04.2023 between 03.00 p.m. and 08.00 p.m. near chidambaram Nagar Bus Stand (Public Meeting Place) and also give adequate Police Protection to the Conference and its participants" instead of "...Permitting the petitioner only to conduct the indoor meeting on 01.04.2003 by imposing appropriate conditions".

2.While hearing the W.P.(MD).No.6552 of 2023, two prayers have been sought for by the petitioner, one with regard to the procession followed by a meeting in a Public place on 02.04.2023 and another with regard to conducting of meeting in a closed hall on 01.04.2023. The learned Additional Public Prosecutor at that time submitted that there is no objection with regard to the conducting of the indoor meeting on 01.04.2023. The learned counsel for the petitioner submitted that they are not going to take out any procession on 02.04.2023. But with regard to the conducting of public meeting, there was no request made by the petitioner's counsel at that time. Therefore, that was not permitted at that time. Only indoor meeting to be conducted on 01.04.2023 alone, was permitted by this Court. On the next day, mentioning was made that by mistake they have



failed to make mention about the public meeting to be conducted on 02.04.2023. Therefore, they were permitted to file modification petition. In pursuance of which, now modification petition (MD).No.6857 of 2023 has been filed.



3.Today, the learned Additional Public Prosecutor raised objection stating that if such a public meeting is held, there is every likelihood of creation of law and order problem in that place. Moreover, they have received a secret information that trouble may be created by some persons during the above said event in the above said place. On that ground, he make strong objection with regard to the venue of the meeting. He would further submit that if any fresh representation is made by suggesting an alternative place by the petitioner, then it will be considered by the Superintendent of Police, Tuticorin, the fifth respondent herein.

4.In view of the submission made by the learned Additional Public Prosecutor, this Court is also of the opinion that the venue for the public meeting proposed to be held by the petitioner may not be feasible, since it is located in front of the Junction. In stead of that they can also suggest an alternative place preferably an enclosed place for conducting the above said public meeting, so that public law and order problem may also be averted.

5.The learned Senior counsel for the petitioner would submit that they are ready to give a fresh representation to the fifth respondent by mentioning an alternative place.

6.Let the petitioner give a fresh representation by mentioning an alternative place forthwith. On receipt of such representation, the same may be considered by the Superintendent of Police, Tuticorin, the fifth respondent herein, immediately. However, there shall not be any negative order by the fifth respondent in conducting the above said public meeting. It is also made clear that the conditions may also be imposed upon the petitioner to maintain law and order problem. To that effect, the petitioner may also give an undertaking affidavit. With regard to the time also restriction may be made by the fifth respondent or the competent authority as the case may be. Apart from conducting of public meeting within the time stipulated, no other procession or event shall be undertaken by the petitioner.

7.This writ miscellaneous petition is allowed to that extent.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

31/03/2023

Sub Assistant Registrar(CS)



TO

1 The Home Secretary,
Government of Tamil Nadu,
Fort St.George
Chennai-600 009

2 The Director General of Police
Dr.Radhakrishnan Salai, Chennai-600 004

3 The District Collector
Thoothukudi District

4 The Commissioner
Thoothukudi Corporation, Thoothukudi District

5 The Superintendent of Police
Thoothukudi District, Thoothukudi

6 The Inspector of Police
Thenpakkam Police Station, Thoothukudi

7 The Inspector of Police
Mathiappakkam Police Station, Thoothukudi

8 The Inspector of Police
Vadappakkam Police Station, Thoothukudi

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

+3CC to Mr.A.Arunkumar, Advocate, SR.No. 19015 datd 31.3.2023

+2CC to P.Ayyaswamy, Advocate, SR.No. 19016 dated 31.03.2023

ORDER DATED : 31/03/2023

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ORDER

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WMP(MD) . No.6857 of 2023
in

WP(MD) . No.6552 of 2023
Giving direction and etc.
as stated within.

KB(31.03.2023) 4P 15C