



W.P.(MD) No.16083 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

**W.P.(MD) No.16083 of 2023
and
W.M.P.(MD) No.13473 of 2023**

Sasikumar

... Petitioner

/vs./

1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai Sub Division,
Pudukkottai District.

3.The Inspector of Police,
Ganeshnagar Police Station,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the Impugned Order passed by the Respondent No.3 in Na.Ka.No. 34/Kaa.Aaivalar/Ka.Kaa.Ni/Pudukkottai/2023 dated 19.06.2023 and quash the



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same as illegal, consequently direct the Respondents No.3 to grant permission and adequate police protection to conduct demonstration on 10.07.2023 at 04.00 pm near Chinnappa Park, Pudukkottai District or any other alternative date and place by considering the petitioner's representation dated 26.06.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This petition is filed seeking for a direction to the respondent Nos.1 and 2 police for permission to stage the Dharna.

2.According to the learned counsel for the petitioner, the dead body of one Ravi was floating in the Well attached to the agricultural land on 20.05.2023. A case in Crime No.125 of 2023 was registered for the offence under Section 174 Cr.P.C., The petitioner made a representation before the respondent No.3 seeking permission to conduct demonstration near Chinnappa Park, Pudukkottai District. However, the respondent No.3 by an impugned order dated 19.06.2023 has refused to grant the permission. Aggrieved by the same, the petitioner has approached this Court.



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3.It is submitted by the learned counsel for the petitioner that the death occurred on 20.05.2023, when the dead body of the deceased with injuries was found in the Well. The police registered First Information Report under Section 174 Cr.P.C., but no further investigation was done and still the FIR continues to be under 174 Cr.P.C., for which the petitioner and other family members intend to stage Dharna.

4.According to the petitioner, the ground for refusal of the formation is that the place where the petitioner proposes to stage the Dharna is surrounded by hospitals, temples and commercial establishments, where in case if the Dharna is allowed to go ahead, it may likely cause inconvenience to the public. At this juncture, the learned counsel for the petitioner has fairly submitted that the petitioner will file separate application again before the police seeking permission to stage Dharna on a specific date in a different place, so that there will not be any disturbance to the public at large.

5.Considering the circumstances, the Writ Petition is disposed of directing the petitioner to file separate application with the police concerned seeking



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permission to stage Dharna in a specified place, time and date and on receipt of such application, the respondent police are directed to consider and dispose of the same by granting permission by imposing the usual conditions based on the situation and the place of Dharna. However, there shall be no order as to costs. Consequently, connected Miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

05.07.2023

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To

- 1.The Superintendent of Police,
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Pudukkottai District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai Sub Division, Pudukkottai District.
- 3.The Inspector of Police,
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DR.D.NAGARJUN, J.

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