



W.P.(MD) No.21035 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.21035 of 2023

S.Shanmugam

... Petitioner

/vs./

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

2.The Deputy Superintendent of Police,
Alangudi Range, Pudhukottai District.

3.The Inspector of Police,
Karambakudi Police Station,
Pudhukottai 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 connect with the impugned order passed by the Respondent No.3 in Na.Ka.No. 32/F2CO/KBK/2023 dated 19.08.2023 and quash the same as illegal consequently to direct the Respondents to grant permission for conduct agitation on 17.09.2023 at 05.30 pm or any other alternative date at Valluvar Thidal, Karambakudi, Pudhukottai District.



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For Petitioner : Mr.R.Alagumni
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (criminal side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a direction to the respondent police to grant the permission to the petitioner to conduct agitation on on 17.09.2023 at 05.30 pm or any other alternative date at Valluvar Thidal, Karambakudi, Pudhukottai District.

2.It is submitted by the learned counsel for the petitioner that dead body of a person belonging to SC community was found in the Well and that the petitioner is suspecting some rival persons missing that they have committed the offence murder and the list of the suspected persons has also been given to the police, but the police are not investigating in that angle and in view of the same, the petitioner, who is the District Organizer of Periyar Ambedkar Makkal Kalagam, is intending to stage Dharna.

3.These kind of attempts by the unconnected people to the family of the deceased will, in fact, affect the course of direction of the investigation. The



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petitioner, in fact, has no *locus standi* except the fact that he belongs to the same community of the petitioner. However, to stage Dharna in a peaceful manner in respect of any cause of the society is a right guaranteed by the Constitution of India. Therefore, the petitioner has right to stage Dharna in a peaceful manner.

4.The learned Government Advocate (Crl.side) submits that the place, which was chosen by the petitioner, cannot be considered for staging the Dharna, as there is every possibility that the law and order situation may be disturbed.

5.Considering the submissions made by the learned counsel on either side and on perusal of the records, this Petition is disposed of directing the petitioner to appear before the respondent police and file fresh application, on which the respondent police are directed to consider and dispose of the same suggesting suitable alternative place for staging demonstration on 17.09.2023 in respect of the unfortunate death of a person belonging to the petitioner's community. No costs.

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

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DR.D.NAGARJUN, J.

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