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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18/10/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

WP(MD)Nos.24764 to 24783 of 2023

and

WMP(MD)Nos.20956 to 20959, 20961 to 20971, 20973, 20974, 20976, 20981 and 20986 of 2023

(1)WP(MD)No.24764 of 2023:-

K.Chandrasekar

: Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai-600 004.

2.The Superintendent of Police,
Office of Superintendent of Police,
Pudukottai District.

3.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Ponnamaravathi Sub-Division,
Pudukottai District.

4.The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black



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shoes) lead by a Musical Band from Seeradi Kalaiarangam to Seeradi Kalaiarangam (Via Thagara Kottagai, Panchayat Office, Opposite to Bharat Bank, Win Gates Cool Drinks Street, Opposite to Theerar Sathya Moorthi Perumal Kovil Street, Sivan Kovil Street, Canara Bank Right Side, Malaikottai Entrance, State Bank of India Stop, New Bus Stand, Anna Hospital, Ramar Kovil Backside, Devakottai Main Road, Taluk Office, Theerar Sathya Moorthi) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Municipal Park at 05.30 pm to 07.00 pm, pursuant to their application to the respondents, dated 19/09/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mrs.M.Sudharani

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(2)WP(MD)No.24765 of 2023:-

L.Sudarmuthiah : Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai-600 004.

2.The Commissioner of Police/Superintendent of Police,
Office of Superintendent of Police,



Tenkasi District.

3. The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from North Car Street to West Car Street (Via East Car Street, PS(KC Road), Vambalanthan Kukku-Vallam Road, Aruna Oil Mill (Opp Road), Good Water Well, Gandhi Road and Jawaharlal Road) Or from K.C Road to West Car Street (Via Muthzhagiyammal Kovil, Chithirai Kannu Street, Periya Samy Street, Pump House Road, Chervaikkaran Street, and Kasukadai Bazar) on 29/10/2023 at 04.00 pm and conduct a Public Meeting at Municipal Park at 05.30 pm to 07.00 pm pursuant to their application to the respondents, dated 12/09/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.T.Ponramkumar

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor



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(3) WP (MD) No. 24766 of 2023:-

V. Chinna Durai

: Petitioner

Vs.

1. The Director General of Police,
Mylapore, Chennai-600 004.

2. The Superintendent of Police,
Office of the Superintendent of Police
Tirunelveli District.

3. The Inspector of Police,
Tisaiyanvilai Police Station,
Tirunelveli District.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Sivan Kovil to Near Malaviya Vidhya Kendram School Ground (Via Telephone Exchange, Ittamozhi Road, Palkani Hospital, Vagaiyadi Street Post Office, Old Bus Stand, Aanjaneyar Kovil) or (Via Highway Road Post Office, Old Bus Stand, Aanjaneyar Kovil) or (Via Telephone Exchange, Ittamozhi Road, Palkani Hospital, Kamarajar Road, Ramakrishna High School, Panchayat Office Road, Aanjaneyar Kovil) on 29/10/2023 at 04.25 pm and conduct a Public Meeting at Municipal Park at 06.00 pm to 08.00 pm pursuant to their application to the respondents, dated 14/09/2023 and pass any other further or other orders.



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For Petitioner

: Mr.N.Anandha Padmanabhan
Senior Counsel

&

Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.T.Ponramkumar

For Respondents

: Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(4)WP(MD)No.24767 of 2023:-

S.Kumaresan

: Petitioner

Vs.

- 1.The Director General of Police,
Mylapore, Chennai-600 004.
 - 2.The Superintendent of Police,
SP Office,
Tuticorin District.
 - 3.The Inspector of Police,
Kulasekaranpattinam Police Station,
Tuticorin District.
- : Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Theriyur Sri Mutharaman Kovil to Sivamuruga Nagar Keela Bazaar/South Bazaar Sivanthi Rice Mill (Via Theriyur Main Road, Mela Bazaar (Thisaiyanvilai Road Bunk) Vaithiyalingapuram South Street, Santhaiyadiyar, South Bazaar, North Bazaar,



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North Bus Stand Road, South Bus Stand Road, Keela Bazzar)
on 29/10/2023 at 05.00 pm and conduct a Public Meeting at
Sivamurugan Nagar Keela Bazzar/South Bazzar Sivanthi Rice
Mill at 07.00 pm to 09.00 pm pursuant to their
application to the respondents dated 16/09/2023 and pass
any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.S.Pon Senthilkumaran

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(5)WP(MD)No.24768 of 2023:-

V.Akilan : Petitioner

Vs.

1.The Director General of Police,
Mylapore, Chennai-600 004.

2.The Commissioner of Police/Superintendent of Police,
Subramaniyapuram,
Trichy District.

3.The Inspector of Police,
Thuraiyur Police Station,
Trichy District.

: Respondents

Prayer: Writ Petition has been filed under Article
226 of the Constitution of India, to issue a Writ of
Mandamus, directing the respondents herein to permit the



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members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Aanjaneyar Kovil South Side, Trichy Road to Near Perumal Kovil (Via Sri Veera Aanjaneyar Kovil, Koolochum Murugar Kovil, Bus Stand, Aathur Road, Car Stand, Hospital Stop, Salai Mariyamman Kovil Perambalur Road (Periya Kadai Veedhi) Old Police Station, Kamandi, Soraththur Road, Selva Vinayagar Kovil Market Road, Aalamaram, Market, Manamagal Store Aathur Road, Palakkarai) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Bus Stand at 05.30 pm to 07.30 pm pursuant to their application to the respondents, dated 12/09/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.S.Poornachandran

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(6) WP (MD) No.24769 of 2023:-

R.Mathiselvam : Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai-600 004.



- : Respondents

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.P.Sivachandran



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For Respondents

: Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(7)WP(MD)No.24770 of 2023:-

V.Senthilkumar

: Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai-600 004.

2.The Superintendent of Police,
Dindigul,
Dindigul District.

3.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Kalaiaranga Parking to kalaiaranga Parking (Via Municipal Office, Seven Road Junction, Astoria Near Bus Stand, Anna Salai (Market), Perumal Kovil, Munjikal, Ghat Road, Chalika Petrol Bunk, Hotel Paradise, Sun Corner) on 29/10/2023 at 12.00 pm and conduct a Public Meeting at Near Kalaiaranga Parking at 1.00 pm to 3.00 pm pursuant to their application to the respondents, dated 13/09/2023 and pass any other further



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or other orders.

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For Petitioner

: Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.P.Sivachandran

For Respondents

: Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(8)WP(MD)No.24771 of 2023:-

N.Visu

: Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai-600 004.

2.The Superintendent of Police,
Kanyakumari District.

3.The Deputy Superintendent of Police,
Thuckalay Sub Division,
Kanyakumari District.

4.The Inspector of Police,
Thuckalai Police Station,
Kanyakumari District.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark



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Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Thickenamcode to Pookkadai Junction on 22/10/2023 at 04.00 pm and conduct a Public Meeting at College Ground of N.I. College of Polytechnic Pookkadai at 05.30 pm to 07.30 pm or Thuckalai Parthasarathy Kovil to Paraikodu on 22/10/2023 at 04.00 pm and conduct a Public Meeting at The Ground behind Vijay Hospital, Paraikodu at 05.30 pm to 07.30 pm pursuant to their application to the respondents, dated 04/10/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.M.Karthikeya
Venkitachalapathy

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(9)WP(MD)No.24772 of 2023:-

R.Ramarathinam : Petitioner

Vs.

- 1.The Director General of Police,
Mylapore, Chennai-600 004.
 - 2.The Commissioner of Police/Superintendent of Police,
Trichy City,
Trichy District.
 - 3.The Inspector of Police,
Woraiyur Police Station,
Trichy District.
- : Respondents



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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Puthur Four Road to Sadhana Trust Trichy (Via Aruna Theatre, Cavary Super Market, Victoriya Road, Methodist Girls Higher Secondary School, SCI Hospital, Ramjee Mahal, Naachiyar Kovil Bus Stap, Salai Road, Thillai Nagar Kannapa Hotel and Trichy Tower Road) on 29/10/2023 at 04.00 pm and conduct a Public Meeting at Sadhana Trust, Trichy at 06.30 pm to 08.00 pm pursuant to their application to the respondents, dated 11/08/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.S.Poornachandran

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(10)WP(MD)No.24773 of 2023:-

B.Anantha Saithanayan : Petitioner

Vs.



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Senior Counsel
for Mr.S.Pon Senthilkumaran

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(11)WP(MD)No.24774 of 2023:-

Suba Gajendran : Petitioner

Vs.

- 1.The Director General of Police,
Mylapore,
Chennai-600 004.
 - 2.The Superintendent of Police,
SP Office,
Ramanathapuram District.
 - 3.The Deputy Superintendent of Police,
DSP Office,
Paramakudi.
 - 4.The Inspector of Police,
Paramakudi Police Station,
Ramanathapuram District.
- : Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Perumal Kovil, Paramakudi to Perumal Kovil (Via Service Road, S.S.Kovil Street, Puliamara Street, Karuppanaswamy Kovil Street,



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Santhai Pettai, Bus Stand, Aindhumukku Road, Police Station, Aathu Paalam, Big Bazar, Perumal Kovil Street) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Perumal Kovil at 06.30 pm to 08.00 pm pursuant to their application to the respondents, dated 14/09/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.P.Santhosh Kumar

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(12)WP(MD)No.24775 of 2023:-

T.Ganapathi Raja : Petitioner

Vs.

- 1.The Director General of Police,
Mylapore,
Chennai-600 004.
- 2.The Superintendent of Police,
Superintendent of Police Office,
Pudukottai District.
- 3.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Kottaipattinam Sub Division,
Pudukottai District.
- 4.The Inspector of Police,



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Manamelkudi Police Station,
Pudukkottai District.

: Respondents

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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Vadakkoor Amman Kovil to New Bus Sand (Via Thandavamoorthy Nagar, Sedhu Salai, High School, Vadakkoor Amman Kovil Arch, Kodiyakkarai Road, Sengundharpuram, Therkoor Amman Kovil, Ujjaini Mahaklai Kovil, Sedhu Salai) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Municipal park at 05.30 pm to 07.00 pm pursuant to their application to the respondents dated 15/09/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mrs.S.Mahalakshmi

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(13)WP(MD)No.24776 of 2023:-



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K.K.Ananthan

: Petitioner

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Vs.

- 1.The Director General of Police,
Mylapore, Chennai-600 004.
- 2.The Superintendent of Police,
Office of Superintendent of Police,
Thanjavur District.
- 3.The Inspector of Police,
Town West Police Station,
Thanjavur District.
- 4.The Inspector of Police,
Town East Police Station,
Thanjavur District.

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Ponni Trust Office to Panagai Building Office (Via North Main Street, West Main Street, South Main Street and Gandhi Road (Anna Statue) on 22/10/2023 at 03.00 pm and conduct a Public Meeting at Municipal park at 05.30 pm to 07.00 pm pursuant to their application to the respondents, dated 14/09/2023 and pass any other further or other orders.

For Petitioner

: Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mrs.Sudharani



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For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(14)WP(MD)No.24777 of 2023:-

K.Munishkarthick : Petitioner

Vs.

1.The Director General of Police,
Mylapore, Chennai-600 004.

2.The Superintendent of Police,
SP Office, Sivagangai District.

3.The Assistant Superintendent of Police,
Karaikudi, Sivagangai District.

4.The Inspector of Police,
South Police Station,
Karaikudi Nagar.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Mahar Nonbu Thidal to Municipal Park (Via Sathyam Cenimas, Amman Sannathi, Kallukatti West, 2nd Feet, Sekkalai Road, 100 feet Road and Thevar Statue) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Municipal Park at 05.30 pm to 07.00



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pm pursuant to their application to the respondents dated 12/09/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.P.Santhosh Kumar

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(15)WP(MD)No.24778 of 2023:-

K.Lokeswaran : Petitioner

Vs.

- 1.The Director General of Police,
Mylapore, Chennai-600 004.
 - 2.The Superintendent of Police,
Superintendent of Police Office,
Thanjavur District.
 - 3.The Deputy Superintendent of Police,
Pattukottai,
Thanjavur District.
 - 4.The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
- : Respondent

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark



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Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Passenger Bangala to Vedantham Thidal (Via S.N.V. Tirumana Mandapam, Taluk Office, Record Road, Neelakanda Pillaiyar Kovil, New Road, Sethu Road Corner Gandhi Salai) on 29/10/2023 at 03.00 pm and conduct a Public Meeting at Municipal Park at 05.30 pm to 07.00 pm pursuant to their application to the respondents, dated 14/09/2023 and pass any other further or order orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.S.Mahalakshmi

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(16)WP(MD)No.24779 of 2023:-

K.Sethuraman : Petitioner

Vs.

- 1.The Director General of Police,
Mylapore,
Chennai-600 004.
- 2.The Superintendent of Police,
Superintendent of Police,
Madurai District.
- 3.The Deputy Superintendent of Police,
Deputy Superintendent of Police,
Melur,
Madurai District.
- 4.The Inspector of Police,



Melur Police Station,
Madurai District.

: Respondents

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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Asrk Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Moovendhar Panpattu Kalagam Mahal to Bus Stand (Via Munsif Court, Channel 1 Road, Government Hospital, Nagai Kadai Bazzar, Madurai Main Road, Mohamediya Puram Road, R.C School, Sivagangai Road, Kakkan Statue) or (Via Munsif Court, Channel 1 Road, Government Hospital, Alagar Kovil road, Nagai Kadai Bazzar, Madurai Main Road, Ganesan Theatre, Kannan Statue) or (Via Munsif Court, Bank Road, Alagar Kovil Road, Sivan Kovil, Kakkan Statue, Ganesh Theatre, Mohamediya Puram Road, R.C. School, Sivagangai Road, Kakkan Statue, Thiruvathur Road, Rice Mill Road, Madurai Main Road) on 22/10/2023 at 03.00 pm and conduct a Public Meeting at Busstand at 05.00 pm to 07.00 pm pursuant to their application to the respondents, dated 15/09/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.B.Ponnu Pandi

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor



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(17)WP (MD)No.24780 of 2023:-

T.Ravikumar

: Petitioner

Vs.

- 1.The Director General of Police,
Mylapore, Chennai-600 004.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Deputy Superintendent of Police,
Rajapalayam Sub-Division,
Rajapalayam.
- 4.The Inspector of Police,
North Police Station,
Virudhunagar District.
- 5.The Inspector of Police,
South Police Station,
Virudhunagar District.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from NRK Kalyana Mandapam to Periya Mariamman Kovil Pookkuzhi Thidal (Via Madasamy Kovil, Kaliyamman Kovil, Bhajanai Madam, Muthalamman Kovil Street, Periyakadai Bazaar, Ponvizha Ground West, Gandhi Status, South Police Station backside, Ambalappuli Bazaar, Jawahar Ground, Gandhi Kalai Mandram, Tenkasi



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Road) on 22/10/2023 at 4.00 pm and conduct a Public Meeting at Periya Mariamman Kovil Pookkuzhi Thidan at 06.00 pm to 08.0 pm and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.T.Leninkumar

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

(18)WP(MD)No.24781 of 2023:-

K.Balasubramani : Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai-600 004.

2.The Commissioner of Police/Superintendent of Police,
Karur District.

3.The Sub Inspector of Police,
Vengamedu Police Station,
Karur District.

4.The Inspector of Police,
Karur Town Police Station,
Karur District.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of



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Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Light House Cornor to Eswaran Kovil (Via Uzhavar Santhai, Bus Stand, Thinnappa Corner, Government Hospital Cornor, Registrar Office) on 29/10/2023 at 04.00 pm and conduct a Public Meeting at Near Eswaran Kovil at 06.00 pm to 08.00 pm pursuant to their application to the respondents dated 11/09/2023 and pass any other further or other orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.T.Leninkumar

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

19.WP(MD)No.24782 of 2023:-

P.Rajasekar : Petitioner

Vs.

- 1.The Director General of Police,
Mylapore, Chennai-600 004.
- 2.The Commissioner of Police,
Commissioner of Police Office,
Madurai District.
- 3.The Assistant Commissioner of Police,
Assistant Commissioner of Police,
Madurai District.



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4. The Inspector of Police,
W-1, Tirunagar Police Station,
Madurai District.

: Respondents

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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Asrk Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Thirunagar 3rd Stop to 16 Kal Mandapam (Via Thirupparankundram Main Road, Kalaivano Theatre, R.V.Patti Stop, Railway Palam, Thirupparankundram Bus Stand, Periya Ratha Veedhi, Keela Ratha Veedhi) or (Via Thirupparankundra Main Road, Kalaivani Theatre, R.V.Patti stop, Railway Palam, Puliyamarathu Kovil stop, Mela Ratha Veedhi, Periya Ratha Veedhi, Keela Ratha Veedhi) on 22.10.2023 at 06.30 pm to 04.00 pm pursuant to their application to the respondents, dated 20/09/2023 and pass any other further or order orders.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel
&
Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.B.Ponnu Pandi

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor



WEB COPY (20) WP (MD) No. 24783 of 2023:-

D.Raghu

: Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai-600 004.

2.The Commissioner of Police/Superintendent of Police,
Nagercoil,
Kanyakumari District.

3.The Inspector of Police,
Karungal Police Station,
Kanyakumari district.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the members of Rashtriya Swayamsevak Sangh (RSS) to conduct the procession (Route March) wearing their uniform (Dark Olive Brown Trousers, White Shirt, Cap, Belt, Black shoes) lead by a Musical Band from Karungal Road to Palappalam North on 22/10/2023 at 03.00 pm and conduct a Public Meeting at Mr.C.Velandi, S/o.Chinna Nadar Property at 05.00 pm to 07.00 pm pursuant to their application to the respondents dated 1/09/2023 and pass any other further or other orders.

For Petitioner

: Mr.N.Anandha Padmanabhan
Senior Counsel

&

Mr.KPS.Palanivel Rajan
Senior Counsel
for Mr.M.Karthikeya
Venkitachalapathy



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For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by Mr.R.M.Anbunithi
Additional Public Prosecutor

COMMON ORDER

These writ petitions have been filed for direction to direct the respondents to permit the petitioners to conduct procession (route march) wearing their Uniform lead by a musical band in various place, on 22/10/2023 and 29/10/2023.

2.The details of the representation submitted by the respective petitioners for seeking permission, are as follows:-

Sl No .	WP (MD) No.	Place & Date	Route & timing
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01 .	24764 of 2023	Thirumayan (Pudukottai Dt.) & 22/10/2023	Seeradi Kalaiarangam to Seeradi Kalaiarangam (Via Thagara Kottagai, Panchayat Office, Opposite to Bharat Bank, Win Gates Cool Drinks Street, Opposite to Theerar Sathya Moorthi Perumal Kovil Street, Sivan Kovil Street, Canara Bank Right Side, Malaikottai Entrance, State Bank of India Stop, New Bus Stand, Anna Hospital, Ramar Kovil Backside, Devakottai Main Road, Taluk Office, Theerar Sathya Moorthi) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Municipal Park at 05.30 pm to 07.00 pm.
02 .	24775 of 2023	Manamelkudi (Pudukkottai Dt.) & 22/10/2023	Vadakkoor Amman Kovil to New Bus Sand (Via Thandavamoorthy Nagar, Sedhu Salai, High School, Vadakkoor Amman Kovil Arch, Kodiyakkarai Road, Sengundharpuram, Therkoor Amman Kovil, Ujjaini Mahaklai Kovil, Sedhu Salai) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Municipal park at 05.30 pm to 07.00 pm.



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03 .	24767 of 2023	Kulasekaranapattinam (Tuticorin Dt.) & 29/10/2023	Theriyur Sri Mutharaman Kovil to Sivamuruga Nagar Keela Bazzar/South Bazzar Sivanthi Rice Mill (Via Theriyur Main Road, Mela Bazzar (Thisaiyanvilai Road Bunk) Vaithiyalingapuram South Street, Santhaiyadiyar, South Bazzar, North Bazzar, North Bus Stand Road, South Bus Stand Road, Keela Bazzar) on 29/10/2023 at 05.00 pm and conduct a Public Meeting at Sivamuruga Nagar Keela Bazzar/South Bazzar Sivanthi Rice Mill at 07.00 pm to 09.00 pm.
04 .	24773 of 2023	Kovilpatti (Tuticorin Dt.) & 29/10/2023	Lakshmi Mills Gate to Shenbagavalli Amman Kovil Ground (Via old Bus Stand, Kamarajar Statue, New Road, Government Hospital, Veterinary Hospital, Main Post Office) on 29/10/2023 at 04.00 pm and conduct a Public Meeting at Shenbagavalli Amman Kovil Ground at 06.30 pm to 08.00 pm.



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05 .	24768 of 2023	Thuraiyur (Trichy Dt.) & 29/10/2023	Aanjaneyar Kovil South Side, Trichy Road to Near Perumal Kovil (Via Sri Veera Aanjaneyar Kovil, Koolochum Murugar Kovil, Bus Stand, Aathur Road, Car Stand, Hospital Stop, Salai Mariyamman Kovil Perambalur Road (Periya Kadai Veedhi) Old Police Station, Kamandi, Soraththur Road, Selva Vinayagar Kovil Market Road, Aalamaram, Market, Manamagal Store Aathur Road, Palakkarai) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Bus Stand at 05.30 pm to 07.30 pm.
06 .	24772 of 2023	Woraiyur (Trichy Dt.) & 29/10/2023	Puthur Four Road to Sadhana Trust Trichy (Via Aruna Theatre, Cavery Super Market, Victoriya Road, Methodist Girls Higher Secondary School, CSI Hospital, Ramjee Mahal, Naachiyar Kovil Bus Stop, Salai Road, Thillai Nagar Kannapa Hotel and Trichy Tower Road) on 29/10/2023 at 04.00 pm and conduct a Public Meeting at Sadhana Trust, Trichy at 06.30 pm to 08.00 pm.

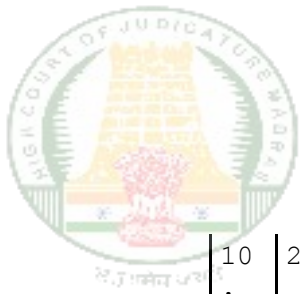


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07 .	24771 of 2023	Thuckalai (Kanyakumari Dt.) & 22/10/2023	Thickanamcode to Pookkadai Junction on 22/10/2023 at 04.00 pm and conduct a Public Meeting at College Ground of N.I. College of Polytechnic Pookkadai at 05.30 pm to 07.30 pm or Thuckalai Parthasarathy Kovil to Paraikodu on 22/10/2023 at 04.00 pm and conduct a Public Meeting at The Ground behind Vijay Hospital, Paraikodu at 05.30 pm to 07.30 pm.
08 .	24783 of 2023	Karungal (Kanyakumari Dt.) & 22/10/2023	Karungal Road to Palappalam North on 22/10/2023 at 03.00 pm and conduct a Public Meeting at Mr.C.Velandi, S/o.Chinna Nadar Property, at 05.00 pm to 07.00 pm.
09 .	24776 of 2023	Thanjavur & 22/10/2023	Ponni Trust Office to Panagai Building Office (Via North Main Street, West Main Street, South Main Street and Gandhi Road (Anna Statue) on 22/10/2023 at 03.00 pm and conduct a Public Meeting at Municipal park at 05.30 pm to 07.00 pm.



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10 .	24778 of 2023	Peravurai (Thanjavur Dt.) & 29/10/2023	Passenger Bangala to Vedantham Thidal (Via S.N.V. Tirumana Mandapam, Taluk Office, Record Road, Neelakanda Pillaiyar Kovil, New Road, Sethu Road Corner Gandhi Salai) on 29/10/2023 at 03.00 pm and conduct a Public Meeting at Municipal Park at 05.30 pm to 07.00 pm.
11 .	24779 of 2023	Melur (Madurai Dt.) & 22/10/2023	Moovendhar Panpattu Kalagam Mahal to Bus Stand (Via Munsif Court, Channel 1 Road, Government Hospital, Nagai Kadai Bazzar, Madurai Main Road, Mohamediya Puram Road, R.C School, Sivagangai Road, Kakkan Status) or (Via Munsif Court, Channel 1 Road, Government Hospital, Alagar Kovil road, Nagai Kadai Bazzar, Madurai Main Road, Ganesan Threatre, Kakkan Statue) or (Via Munsif Court, Bank Road, Alagar Kovil, Sivan Kovil, Kannan Statue, Ganesh Threatre, Mohamediya Puram Road, RC School, Sivagangai Road , Kakkan Statue, Thiruvathur Road, Rice Mill Road, Madurai Main Road) on 22/10/2023 at 03.00 pm and conduct a Public Meeting at Busstand at 05.00 pm to 07.00 pm.



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12 .	24782 of 2023	Thirunagar (Madurai Dt.) & 22/10/2023	Thirunagar 3 rd Stop to 16 Kal Mandapam (Via Thirupparankundram Main Road, Kalaivano Theatre, R.V.Patti Stop, Railway Palam, Thirupparankumdr am Bus Stand, Periya Ratha Veedhi, Keela Ratha Veedhi, Periya Ratha Veedhi, Keela Ratha Veedhi) on 22.10.2023 at 06.30 pm to 08.00 pm.
13 .	24765 of 2023	Shenkottai (Tenkasi Dt.) & 29/10/2023	North Car Street to West Car Street (Via East Car Street, PS(KC Road), Vambalanthan Kukku-Vallam Road, Aruna Oil Mill (Opp Road), Good Water Well, Gandhi Road and Jawaharlal Road) Or from K.C Road to West Car Street (Via Muthzhagiyammal Kovil, Chithirai Kannu Street, Periya Samy Street, Pump House Road, Chervaiikkaran Street, and Kasukadai Bazar), on 29/10/2023 at 04.00 pm and conduct a Public Meeting at Municipal Park at 05.30 pm to 07.00 pm.

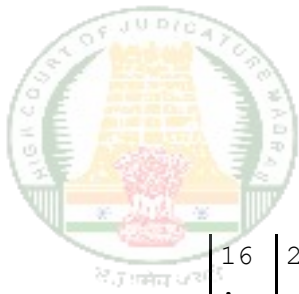


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14	24766 of 2023	Tisaiyanvilai (Tirunelveli Dt.) & 29/10/2023	Sivan Kovil to Near Malaviya Vidhya Kendram School Ground (Via Telephone Exchange, Ittamozhi Road, Palkani Hospital, Vagaiyadi Street Post Office, Old Bus Stand, Aanjaneyar Kovil) or (Via Highway Road Post Office, Old Bus Stand, Aanjaneyar Kovil) or (Via Telephone Exchange, Ittamozhi Road, Palkani Hospital, Kamarajar Road, Ramakrishna High School, Panchayat Office Road, Aanjaneyar Kovil) on 29/10/2023 at 04.25 pm and conduct a Public Meeting at Municipal Park at 06.00 pm to 08.00 pm.
15	24769 of 2023	Cumbum (Theni Dt.) & 29/10/2023	Park Thidal to Park Thidal (Via V.O., C Thidal, village Booth Street, Mariamman Kovil Street, Amaravathi Theatre, Sellandi Amman Kovil, K.K.Patti Road, SBI Bank, Thambees Theatre, Veppamaram, Saalimaram, Kannisamy Tea Kadai, Arasamaram, Velappar Kovil on 29/10/2023 at 04.00 pm and conduct a Public Meeting at Park Thidal at 06.00 pm to 09.00 pm.

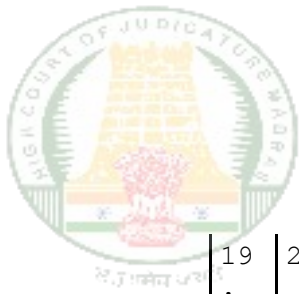


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16 .	24770 of 2023	Kodaikanal (Dindigul Dt.) & 29/10/2023	Kalaiaaranga Parking to Jkalaiaaranga Parking (Via Municipal Office, Seven Road Junction, Astoria Near Bus Stand, Anna Salai (Market), Perumal Kovil, Munjikal, Ghat Road, Chalika Petrol Bunk, Hotel Paradise, Sun Corner) on 29/10/2023 at 12 pm and conduct a Public Meeting at Near Kalaiaaranga Parking at 1.00 pm to 3.00 pm.
17 .	24774 of 2023	Paramakudi (Ramanathapuram Dt.) & 22/10/2023	Perumal Kovil, Paramakudi to Perumal Kovil (Via Service Road, S.S.Kovil Street, Puliamara Street, Karuppanaswamy Kovil Street, Santhai Pettai, Bus Stand, Aindhumukku Road, Police Station, Aathu Paalam, Big Bazar, Perumal Kovil Street) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Perumal Kovil at 06.30 pm to 08.00 pm.
18 .	24777 of 2023	Karaikudi (Sivagangai Dt.) & 22/10/2023	Mahar Nonbu Thidal to Municipal Park (Via Sathyam Cinemas, Amman Sannathi, Kallukatti West, 2 nd Feet, Sekkalai Road, 100 feet Road and Thevar Statue) on 22/10/2023 at 04.00 pm and conduct a Public Meeting at Municipal Park at 05.30 pm to 07.00 pm



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19	24781 of 2023	Karur & 29/10/2023	Light House Cornor to Eswaran Kovil (Via Uzhavar Santhai, Bus Stand, Thinnappa Corner, Government Hospital Cornor, Registrar Office) on 29/10/2023 at 04.00 pm and conduct a Public Meeting at Near Eswaran Kovil at 06.00 pm to 08.00 pm.
20	24780 of 2023	Rajapalayam (Virudhunagar Dt.) & 22/10/2023	NRK Kalyana Mandapam to Periya Mariamman Kovil Pookkuzhi Thidal (Via Madasamy Kovil, Kaliyamman Kovil, Bhajanai Madam, Muthalamman Kovil Street, Periyakadai Bazzar, Ponvizha Ground West, Gandhi Status, South Police Station backside, Ambalappuli Bazzar, Jawahar Ground, Gandhi Kalai Mandram, Tenkasi Road) on 22/10/2023 at 4.00 pm and conduct a Public Meeting at Periya Mariamman Kovil Pookkuzhi Thidan at 06.00 pm to 08.00 pm.

3.Heard both sides.

1.Right from the inception of the Organization,
till now no untoward incident was reported
during the rallies and public meetings;

2.Utmost discipline will be maintained;



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3.No slogan shouting in the rally;

4.No political person of any position will be permitted to take part in the rally and the public meeting;

5.They will maintain the discipline even at the time of provocation.

4.This is the undertaking given by the learned Senior counsel appearing for the petitioners, in response to the apprehension made by the State in the event of the above rally and public meetings, if permitted.

5.When the matter was heard on Friday, the learned Additional Advocate General has submitted that rejection orders have been passed in these matters.

6.The learned Senior Counsel appearing for the petitioners would submit that so far, the orders were not



served. He would also inform the Court that similar writ petitions are pending before the Principal Seat.

7. On hearing this, this Court expressed a view that these matters can also be transferred to the Principal Seat for common disposal, considering the situation, to avoid conflict of observations or orders, as the case may be.

8. Even though, the petitioners are agreeable for such a course to be adopted, the learned Additional Advocate General and the learned State Public Prosecutor would submit that it is only a District Centric issue. There is no question of conflict of observations or orders as the case may be. The matters may be heard considering the ground situation prevailing in the respective Districts. On that account, the matter was listed on Monday at the request of petitioners.

9. When the matter was taken up on Monday, the learned Additional Advocate General submitted that all the rejection orders were also served upon the petitioners; The petitioners are at liberty to challenge the rejection order, so these petitions become



infructuous.

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10. In response to the above said objection made by the State, learned Senior Counsel appearing for the petitioners would submit that pending the writ proceedings, rejection orders have been passed and in some of the petitions, no proper service was effected. Even though the rejection orders have been passed, this Court got ample power to mould the relief as the situation demands.

11. The rejection order was handed over to the learned Counsel on record. On going through the rejection order, the petitioners have made submissions.

12. On the point of validity of the rejection order also, both were heard.

13. After hearing the learned Counsels on both sides, this Court was of the opinion that there can be no total curtailment of the right of the petitioners to take out the rally, procession and public meetings. The State Government can impose only reasonable restrictions as the situation demands. So, the petitioners were directed to file appropriate undertaking affidavit. On that account, the matter was adjourned.



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14.Yesterday, they have also filed the affidavit of undertaking.

15.This is the development during the course of hearing.

16.Now, let us go to the core aspect.

17.The learned Senior Counsel appearing for the petitioners would rely upon the order passed by this court in the earlier similar occasion. They are referring to the order passed by this court in the case of ***S.Shanmugasundaram Vs. The State of Tamil Nadu, represented by its Secretary, Home Department, Fort St. George, Chennai-600 009 and others (WP Nos.24540 of 2022 batch etc., dated 22/09/2022,*** when a similar situation arose, a common order was passed permitting the rally to be taken out by imposing the certain conditions.:-

18.The above said order was reviewed during the course of Contempt Proceedings in ***R.Karthikeyan Vs. K.Phanindra Reddy and others (Cont.P Nos. 2111 of 2022 batch etc., dated 04/11/2022).*** Considering the change of



circumstances, the above said conditions were modified.

They became the subject matter of the Writ Appeal in the case of ***G.Subramanian Vs. K.Phanindra Reddy and others, dated 10/02/2023***. After elaborate discussion, the review order was set aside and the order, dated 22/09/2022 passed by the single Judge was restored and ordered to be enforced.

19.Again the matter came up in the form of SLP before the Hon'ble Supreme Court in ***K.Phanindra Reddy I.A.S and others Vs. G.Subramanian (2023 LiveLaw (SC) 295)***, as the State was not satisfied by the order passed by the Division Bench of this court. Hon'ble Supreme court by the order, dated 11/04/2023 dismissed the appeal and allowed the march.

20.By pointing out this order, it is contented on the side of the petitioners that apart from the above said conditions, the respondents cannot impose fresh or new conditions. If they got any grievance, they ought to have approached the Hon'ble Supreme Court for appropriate relief.



21.Mr.PTS.Palanivel Rajan, the learned Senior

Counsel appearing for some of the parties would submit that the order of the single judge, dated 22/09/2022 merged with the order passed in the writ appeal and SLP. So according to him, there is no question of revisiting the above said conditions imposed.

22.But, when this argument was raised, the learned Additional Advocate General would submit that absolutely, the above said order cannot be treated as '**standard operating procedure**' to be adopted in all the cases, in all the situations, in all the areas. According to him, the above said order was passed only on the basis of the situation prevailing then.

23.No doubt that the above said order has been passed in the above said situation. But the fact remains the above said order was passed following the order of the Hon'ble Supreme Court in the case of **Mazdoor Risan Shakti Sangathan Vs. The Union of India and another [WP(Civil)No.1153 of 2017, dated 23/07/2018]**, which reads as under:-

"the fundamental right of the



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citizens to hold peaceful demonstrations and protest in order to bring out their grievances to the notice of the authorities in power so that the concerned authorities are awakened and attend to their grievances as well as take remedial measures. Therefore, there could not have been a complete ban on demonstration in the area in question. Undoubtedly, holding peaceful demonstration by the citizen in order to air its grievances and to ensure that these grievances are heard in the relevant quarters, is its fundamental right. This right is specifically enshrined under Article 19(1)(a) and 19(1)(b) of the Constitution of India. It confers a very valuable right on the citizens viz., right of free speech and it gives right to assemble peacefully without arms."

Not only that, the power conferred upon the police under



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the provisions of the Police Act and the Chennai City Police Act has also taken into account. Similarly, the order that has been passed in WP Nos.28677 of 2014, dated 07/11/2014 was also taken into account for consideration. It is not necessary for this court to extract the above said observations in an extensive manner, since the above said order has been upheld by the Hon'ble Supreme Court.

24.Now the question, which arises for consideration is whether, as noted above, the above said order will prevail in all the situations.

25.Article 19(1) (a) & (b) of the Constitution of India, reads as under:-

"19.Protection of certain rights regarding freedom of speech, etc-(1)All citizens shall have the right-

(a)to freedom of speech and expression:

(b)to assemble peaceably and without arms;

26.Article 19(2) reads as follows:-



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(2)Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, public order, decency or morality, or in relation to contempt of Court, defamation or incitement to an offence.

27.Article 19(3) reads as under:-

"(3)Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, in the interest of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause."



28.Only reasonable restrictions can be imposed. What can be construed as reasonable restrictions, will depend upon the facts and circumstances of each case. 'Reasonable restrictions' has been explained by the Hon'ble Supreme Court in the case of **Haridas V. Usha Rani Bank [A.I.R 2007 S.C 2688]**.

29.The learned Additional Advocate General also referring to the judgment of the Hon'ble Supreme Court in the case of **Rama Muthuramalingam Vs. The Deputy Superintendent of Police and others (2004 SCC Online Mad. 798)** as to the point, whether the administrative decision can be subjected to judicial review.

30.Now, it has been well settled that judicial review of administrative orders is permissible only in three occasions;-

- (1)Unfair;
- (2)Unreasonable; and
- (3) unlawful.

These principles are popularly called as '**Wednesbury**'



principles as formulated in ***Associated Provincial Picture***

Houses Ltd. Vs. Wednesbury Corporation (1942(2)ALL ER

680) and which was adopted in India also in various cases such as ***Tata Cellular Vs. Uinon of India (AIR 1996 SC 11)***. So the touch stone is whether the restrictions are unreasonable, illegal and unfair.

31.Now, let us see whether rejection order satisfy the requirement, or whether it fit into any one of the 3 categories. This is the foundation of the case. The other judgments cited are only superfluous.

32.In the light of the above, let us go to the questionnaires issued by the State to the petitioners. It contains 55 points. Answers were given by the petitioners. But the respective Officers did not satisfy with the answers.

33.Before that, the learned Additional Advocate General appearing for the respondents questions the very maintainability of the petitions filed by the petitioners on very many grounds. He would submit that the Organization called 'RSS' is not having any Statutory



backings and it is not registered under the provisions of the Society Registration Act or any other Acts; who permitted the petitioners to take care on behalf of the above said Organization is not disclosed. According to him, an unregistered Organization cannot be permitted to maintain not only the writ petition, but also the permission.

34. In response to this, the learned Senior Counsel appearing for the petitioners would draw the attention of this court to the order passed by the Division Bench of this Court in ***Ramasamy Udayar Vs. The District Collector, Perambalur District (W.A Nos.743 and 2064 of 2019, dated 12/10/2023.***

35. No doubt that it is not a banned Organization. In the petitions, it has been stated by the respective petitioners that they are holding the posts. When there is no ban on the organization, then they can invoke Article 19(1)(a) & (b) of the Constitution of India. The Organization represented by the petitioners cannot be stated to be unlawful.

36. We need not go to the larger issue now.



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37.The object of the Organization is also questioned. But that may be beyond the scope of the petition. When this point was raised, I said that we will restrict the discussions to the prayer.

38.The learned Additional Advocate General also brought to the notice of the pamphlets alleged to have been issued in the name of the Organization by changing or altering the map of India, containing some photographs and some objectionable motives.

39.On going through the above said pamphlets, the learned Senior Counsel appearing for the petitioners would submit that absolutely, these petitioners are not involved in the above said issue of pamphlets. It was issued in Krishnagiri, where the case was also registered. For that purpose also, they are ready to file an affidavit. This matter was also raised before the Principal Seat, while hearing the similar petitions. Law will take its own course in the above said issue.

40.Sustaining the order of rejection passed, the learned Additional Advocate General would submit that



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they got intelligence input. It is also brought to the notice of this court that several such incidents took place in various parts of India, when similar processions were taken. He has cited seven such incidents in the typed set of papers and also other such incidents. According to him, State does not want such unfortunate incident to happen in future in the State of Tamil Nadu.

41.He would further submit that absolutely, there is no undertaking by the petitioners in the event of any damage to the properties, either public or private as per section 9 of TNPPDL Act.

42.Apart from the above said general objections, he would also submit that between 22/10/2023 and 29/10/2023, Navarathiri festivals are going on in the State and larger number of people will gather and particularly, on 24/10/2023 and 27/10/2023 Maruthupandiar Gurupooja festival is also going to be celebrated and the police will be on tight duty. Apart from that, Thevar Jayanthi festival is also going to be celebrated on 30/10/2023. Absolutely, there is no possibility for granting permission to the petitioners.



43. He would also refer to the similar request made by some other political parties and rejections. In short, the learned Additional Advocate General would submit that the dates chosen by the petitioners are not conducive for taking out the said rally and meeting. That was also one of the reasons for rejecting the request. Thousands of police people have to be collected from various parts of the State for providing security during those days. So according to him, the rejection order is not unfair, unreasonable and illegal.

44. The learned Additional Advocate General would draw the attention of this Court to the judgment reported in the case of **Mazdoor Risan Shakti Sangathan Vs. The Union of India and another [WP(Civil)No.1153 of 2017, dated 23/07/2018]**. It was the issue over the use of Jantar Mantar area for taking out rally. It was suggested that a limited area must be earmarked for taking out rally. That was also taken into account, while passing the order on condition that it must occupy 1/4th of the road. The very same point has been reiterated by the Hon'ble Supreme court in the case of **Amit Sahni (Shaheen Begh. In RE vs. Commissioner of Police and others**



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45.He would also submit that it is the duty of the State to protect the interest of the society at large. When state interest is in conflict with the individual, the later is subservient to the former and must leave way. For that also he relies upon very many judgments in the compilation. But equally applies what is called as reasonable restrictions in the light of public interest, called the theory of proportionality. One of the Senior counsels would submit that without following the guidelines prescribed in this regard,the State has kept the matters pending and leaving the organization in dark.

46.As stated in the above said judgments, the respondents are spot officers, who can take care of the ground situation, while granting route permission. That may be taken care by the respondents while granting permission.

47.In response to the above said argument, it was submitted by the learned Senior Counsel appearing for the petitioners that proper undertaking will be given by the Organization to meet out the requirements under the provisions of 9 of TNPPDL Act. They will also comply any



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of the conditions that may be imposed, but that must be reasonable. They want to celebrate the birth day of the Organization. They are also ready to restrict the above rally on 22/10/2023.

48. In the light of the above said submissions, let us go to the order of rejection.

49. As mentioned above, 55 points were raised by the respondents for answering.

50. Reading of the above said questionnaires shows main points stated in the above said questionnaires are the following:-

1. Route;

2. Providing ambulance and other facilities to the participants;

3. Number of participants;

4. Arrangements with regard to the parking facilities during the rally and meeting spot;

5. Safety measures;



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6.Number of vehicles anticipated;

7.The purpose for which, the above said rally and meeting; and

8.The possibility of communal clash between two group of people in the event of the above said rally.

9.In the concluding portion of the order, it has been stated that in the event of permitting rally, there is every possibility of law and order problem, creating some communal issues and damage to the public and private properties. But, as stated above, the State can only impose reasonable restrictions and the total curtailment of the rally and meeting is not permissible under law.

51.In response to the above said, the learned Senior counsel appearing for the petitioners would submit that with regard to the route, they are also ready to follow any of the routes suggested by the respondents. Apart



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from that, it is also submitted by the petitioners that a public road is open for all. There cannot be any restriction for using the same by the other community people living in that area. They are referring to the order passed by this court in WA Nos.743 and 2064 of 2019 on this aspect. We need not go into details now.

52.In respect of other issues, as stated above, they are also ready to file the undertaking affidavit. They are also filed the affidavit of undertaking yesterday as stated above.

53.The above said undertaking reads as under:-

(i).The petitioner is hereby undertakes that the petitioner accepts any alternative route for the above starting point and end point as provided by respondent police with sufficient time to complete the Route March as per scheduled time and venue of meeting;



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(ii) No Slogan will be raised except one group of Musical Band in the Route March;

(iii) There will not be any hate speech against any other Religion. At the end of Route March meeting will be conducted to praise our Guru's and their views;

(iv) No crackers will be busted in the procession and at the meeting place by the participants of the meeting;

(v) No cone speakers will be used except box speakers within permitted limit;

(vi) There will be no hindrance to the public or vehicle movement during the Route March;

(vii) The participants of the Route



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March will not use any vehicle and only march past will be conducted;

(viii) No altered vehicle will be used except for carrying the portrait of Bharat Matha and founders of RSS in a vehicle;

(ix) Two camera man will be engaged by the Petitioner to record the entire Event. An ambulance will be arranged by ourself for any emergency assistance to needy persons;

(x) One person will carry the flag of RSS in the Route March.

54. The learned Additional Advocate General appearing for the respondents would submit that upto 30/10/2023, there is no possibility for providing police protection and granting permission to the petitioners in Southern parts of Tamil Nadu, because of the mobilisation of the police personnel on security purpose. If the petitioners come forward to make representation to conduct the event after 30th October 2023, there will be no problem and it will benefit to the petitioners also to conduct the above



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said events in conducive atmosphere. According to him, now charged atmosphere in the southern parts of the State. The petitioner must also realize the ground situation.

55. In response to this, the learned Senior Counsel appearing for the petitioners would submit that they wanted to celebrate the foundation day of their Organization. But, the learned Additional Advocate General would submit that the foundation month is September and not October.

56. The learned Senior counsel appearing for the petitioners corrected himself and stated that they want to celebrate the events on the auspicious day of Saraswathi Pooja, which falls on 22/10/2023. He would also reiterate that utmost discipline will be maintained and also assured that no untoward incident will occur.

57. So, the learned Senior Counsel appearing for the petitioners would submit that they will abide by the above said undertaking and ensure that not even a single or small law and order problem created by them. They can be easily identified by the respondents or public by



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their Uniform wearing. Utmost discipline will be maintained throughout the rally and meeting.

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58. In response to the above said undertaking, the learned Additional Advocate General vehemently opposed the conduct of rally and meeting between 22/10/2023 and 29/10/2023 stating that as stated above, not only the Navarathiri festival is celebrated, but also the Thevar Jeyanthi and Maruthu Pandiar Jeyanthi are also equally to be celebrated on that date. So, huge strength has to be gathered from in and around Madurai, Ramanathapuram and Sivagangai District for the purpose of ensuring the smooth passage of the above said events. So they cannot afford to grant police protection any where in South Tamil Nadu especially in the areas of Madurai, Ramanathapuram and Sivagangai. Apart from that, he has also submitted that the entry point to Madurai is Theni. So, there is no possibility of considering the above said protection in Theni also. He would also submit that in Tuticorin District also through out the festival period, Navarathiri festival is celebrated. If permission is granted to the petitioners, even a single or stray incident ignite spark leading to creation of law and order in a large scale. He has also produced the



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tabulation format showing the number of cases registered during the Thavar Jeyanthi and the total strength arranged. It is absolutely impossible for the police. So, he vehemently opposed for granting permission during the above said period.

59.In response to the above said submission made by the learned Additional Advocate General, the learned Senior Counsel for the petitioners would submit that so far as Madurai, Ramanathapuram and Sivagangai District are concerned, they are ready to postpone their rally after 30th October 2023.

60.With regard to the other places, they would submit that there will be no problem and they will ensure the utmost discipline. They also restrict their dates of rally only, on 22/10/2023.

61.In respect of the event on 29/10/2023 in Tuticorin District, Trichy, Peravurani (Thanjavur District), Tenkasi, Tirunelveli, Theni, Kodaikanal (Dindigul district) and Karur, they would submit that with regard to the route as mentioned in their affidavit, alternative routes may be suggested by the respondent



police.

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62.No doubt that through-out the period, in the southern districts especially in Madurai, Ramanathapuram and Sivagangai District, there will be deployment of heavy police personnel to ensure the smooth functioning of the events. At any cost, it may not be possible for the respondents to provide the police protection and grant the same in three districts.

63.From the perusal of the above said figures, it is seen that not less than 7000 deployment is required in Ramanathapuram area. An average of 200 cases have been registered for violation of the law order. In Thevar Jeyanthi Bundobust, not less than 20,000 police personnels are deployed.

64.When this was pointed out, the learned Senior counsel appearing for the petitioners readily accepted that they will make a fresh representation after 30th October 2023. So if it is made, after 30th October 2023, the same may be considered favorably of course in the light of the condition to be imposed.

65.The learned Additional Advocate General would



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further submit that all of sudden, within five months of the earlier celebration of such events, the present rally is arranged without any proper reason and purpose. Even the Founder` day does not fall on 22/10/2023 or 29/10/2023. Considering the situation in the southern district of Tamil Nadu, the petitioners must realize the ground situation and postpone the events after 30th October 2023.

66.But, as stated above, only in three districts, permission can be denied to the petitioners. So far as the other districts are concerned, I am of the considered view that only reasonable restrictions can be imposed upon them, in the light of the earlier order passed by this court.

67.As stated above, the undertaking given by the petitioners may also be incorporated in the condition, apart from the condition that has been imposed in ***S. Shanmugasundram's case*** (WP Nos.24540 of 2022, dated 22/09/2022) .

68.In the light of the above said discussion, the writ petitions namely **WP (MD) Nos.24774, 24782, 24779 and 24777 of 2023** are **dismissed** with liberty to the



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petitioners to revive their representations for permission after 30th October 2023. The respondents are directed to consider the above said representation favorably and grant permission in the light of the conditions, now imposed.

69. In some other writ petitions, they have stated that the event will be conducted on 22/10/2023 and in some other writ petitions on 29/10/2023. As per undertaking given by the petitioners, they must conduct the events only on 22/10/2023.

70. There is no possibility for giving police protection or permission, on 29/10/2023 in view of the above said events in Madurai, Ramanathapuram and Sivagangai Districts. So, it is made clear that they must conduct the event and meeting on 22/10/2023 in the permitted districts.

71. Before concluding the discussions, the undertaking given by Mr. N. Anandha Padmanabhan, learned Senior counsel appearing for the petitioners must be placed on record.



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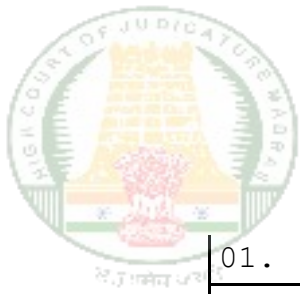
'They will show to the court that they are the most disciplined organization to the core. They will maintain the same throughout the events.'

72.Hope that this undertaking given by the petitioners through their counsel will be carried by their cadres in the mind and heart throughout the event. They must keep their promise and undertaking.

73.In view of the above, WP (MD) Nos.24774. 24777, 24779 and 24782 of 2023 concerning Ramanathapuram, Sivagangai and Madurai District are dismissed, of course with the above said liberty.

74.In respect of the other writ petitions viz., WP (MD) Nos.24764, 24765, 24766, 24767, 24768, 24769, 24770, 24771, 24772, 24773, 24775, 24776, 24778, 24780, 24781 and 24783 are concerned, allowed by moulding the relief, permission may be granted to the petitioners to conduct the rally and meeting on 22/10/2023 in the following Districts:-

S.No.	Writ Petition No.	Name of the District
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01.	WP (MD) No.24764 of 2023	Pudukottai District
02.	WP (MD) No.24765 of 2023	Tenkasi District
03.	WP (MD) No.24766 of 2023	Tirunelveli District
04.	WP (MD) No.24767 of 2023	Tuticorin District
05.	WP (MD) No.24768 of 2023	Trichy District
06.	WP (MD) No.24769 of 2023	Theni District
07.	WP (MD) No.24770 of 2023	Dindigul District
08.	WP (MD) No.24771 of 2023	Kanyakumari District
09.	WP (MD) No.24772 of 2023	Trichy District
10.	WP (MD) No.24773 of 2023	Tuticorin District
11.	WP (MD) No.24775 of 2023	Pudukkottai District
12.	WP (MD) No.24776 of 2023	Thanjavur District
13.	WP (MD) No.24778 of 2023	Thanjavur District
14.	WP (MD) No.24780 of 2023	Virudhunagar District
15.	WP (MD) No.24781 of 2023	Karur District
16.	WP (MD) No.24783 of 2023	Kanyakumari District

(1).During the program, nobody shall either sing songs or speak ill on any individuals, any caste, religion, etc.;

(2).Those who participate in the program shall not for any reason talk or express anything in favour of organizations banned by Government of India. They should also not indulge in any act disturbing the sovereignty and integrity of our country;



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(3).The program should be conducted without causing any hindrance to public or traffic;

(4)).The participants shall not bring any stick, lathi or weapon that may cause injury to any one;

(5).The organizer(s) shall make adequate arrangements for drinking water and proper First Aid/Ambulance/Mobile Toilets/CCTV Cameras/Fire Fighting equipments etc., in consultation with the Police/Civic/Local Bodies as directed by the police;

(6).The procession shall proceed in any orderly manner along the sanctioned route keeping to the left and shall not halt on the way or cause impediment to the normal flow of traffic. The procession shall occupy only one-fourth of the road;

(7).The organizer(s) shall keep sufficient volunteers to help the police for regulation of traffic and the participants;

(8).The organizer(s) of



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procession/rally shall be responsible for ensuring that the route permitted to them by the Police Authorities is strictly followed;

(9).Only box type speakers should be used and output of the speakers should not exceed 15 watts and within a radius of 30 meters only. Cone Speakers should not be used at any cost;

(10).In the procession, the processionists shall not in any manner offend the sentiments of any religious, linguistic, cultural and other groups;

(11).An undertaking to reimburse the cost for any damage that may occur enroute to any public/private property and an undertaking to bear the compensation/replacement costs as well, if are to be awarded to any other institution/person, who may apply for the same;

(12).The petitioner(s) must accept the alternative route suggested by the respective respondents, mentioning the starting point and ending point;



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(13).The above said alternative route must be suggested to the petitioner(s) by the respective respondent within two days from today;

(14).The participants in the rally should not exceed 500;

(15).The meeting must be restricted to praise their Guru and their views;

(16).No crackers are permitted either in the rally or in the meeting;

(17).The petitioners must ensure that the public movement is not affected;

(18).No vehicle should be permitted in the march past on the rally except one carrying photographs;

(19).The above said rally and



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meeting must be restricted to one hour each, it should not exceed totally 2 (Two hours) as undertaken by the petitioners; and

(20).If any violation of the conditions is noticed, the respondents/Officers are empowered to stop the rally or meeting as the case may be and strict action may be initiated against them as per law.

Consequently, connected Miscellaneous Petitions are closed. No costs.

18/10/2023

Index:Yes/No
Internet:Yes/No
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Note: Issue order copy on 18/10/2023



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To,

- 1.The Director General of Police,
Mylapore,
Chennai-600 004.
- 2.The Superintendent of Police,
Office of Superintendent of Police,
Pudukottai District.
- 3.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Ponnamaravathi Sub-Division,
Pudukottai District.
- 4.The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
- 5.The Commissioner of Police/
Superintendent of Police,
Tenkasi District.



6.The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.

7.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli.

8.The Inspector of Police,
Tisaiyanvilai Police Station,
Tirunelveli District.

9.The Superintendent of Police,
SP Office,
Tuticorin District.

10.The Inspector of Police,
Kulasekarapattinam Police Station,
Tuticorin District.

11.The Commissioner of Police/
Superintendent of Police,
Subramaniyapuram,
Trichy.

12.The Inspector of Police,
Thuraiyur Police Station,
Trichy District.

13.The Superintendent of Police,
Theni District.

14.The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

15.The Inspector of Police,
Cumbum North Police Station,
Theni District.

16.The Inspector of Police,
Cumbum South Police Station,
Theni District.

17.The Superintendent of Police,
Dindigul District.



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18. The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
19. The Superintendent of Police,
Kanyakumari District.
20. The Deputy Superintendent of Police,
Thuckalay Sub-Division,
Kanyakumari district.
21. The Inspector of Police,
Thuckalai Police Station,
Kanyakumari District.
22. The Commissioner of Police/Superintendent of Police,
Trichy City, Trichy District.
23. The Inspector of Police,
Woraiyur Police Station,
Trichy District.
24. The Superintendent of Police,
SP Office,
Tuticorin District.
25. The Deputy Superintendent of Police,
DGP Office,
Kovilpatti,
Tuticorin District.
26. The Inspector of Police,
Kovilpatti Police Station,
Tuticorin District.
27. The Superintendent of Police,
SP Office,
Ramanathapuram District.
28. The Deputy Superintendent of Police,
DSP Office,
Paramakudi.
29. The Inspector of Police
Paramakudi Police Station,
Ramanathapuram District.



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30.The Superintendent of Police,
Pudukottai District.

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31.The Deputy Superintendent of Police,
Kottaipattinam Sub-Division,
Pudukottai District.

32.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.

33.The Superintendent of Police,
Thanjavur District.

34.The Inspector of Police,
Town West Police Station,
Thanjavur.

35.The Inspector of Police,
Town East Police Station,
Thanjavur.

36.The Superintendent of Police,
SP Office,
Sivagangai District.

37.The Assistant Superintendent of Police,
Karaikudi,
Sivagangai District.

38.The Inspector of Police,
South Police Station,
Karaikudi Nagar,
Sivagangai District.

39.The Deputy Superintendent of Police,
Pattukottai,
Thanjavur District.

40.The Inspector of Police,
Peravurani Police Station,
Thanjavur District.

41.The Superintendent of Police,
Madurai District.



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42.The Deputy Superintendent of Police,
Melur, Madurai District.

43.The Inspector of Police,
Melur Police Station,
Madurai District.

44.The Superintendent of Police,
Virudhunagar District.

45.The Deputy Superintendent of Police,
Rajapalayam Sub-Division, Rajapalam.

46.The Inspector of Police,
North Police Station,
Virudhunagar District.

47.The Inspector of Police,
South Police Station,
Virudhunagar District.

48.The Commissioner of Police/Superintendent of Police,
Karur District.

49.The Sub Inspector of Police,
Vengamedu Police Station,
Karur District.

50.The Inspector of Police,
Karur Town Police Station,
Karur District.

51.The Commissioner of Police,
Madurai.

52.The Assistant Commissioner of Police,
Assistant Commissioner Office,
Madurai.

53.The Inspector of Police,
W-1, Tirunagar Police Station,
Madurai District.

54.The Commissioner of Police/Superintendent of Police,
Kanyakumari District.

55.The Inspector of Police,
Karungal Police Station,



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Kanyakumari District.

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

G.ILANGOVAN, J

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WP (MD) Nos. 24764 to 24783 of 2023

18/10/2023



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