



W.P(MD)No.26428 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P(MD)No.26428 of 2023
and W.M.P.(MD).No.22725 of 2023

Sadakathulla

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Sivagangai District.

2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Thirupathur Division,
Sivagangai District.

3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

... Respondents

PRAYER: 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 pertaining to the impugned order in Na.Ka.No. 08/Thi.Na.Ka/2023 dated 16.10.2023 passed by the respondent No.3 and quash the same as illegal and consequently, direct the respondents to grant permission to the petitioner to conduct a public meeting with



W.P(MD)No.26428 of 2023

regard to commemoration of Mamannar Maruthupandiargal which is on 04.11.2023 at 05.00 p.m. to 10.00 p.m. near Anna Statue, Sivagangai Road, Thiruppathur, Sivagangai District.

For Petitioner : Mr.C.T.Manoj Kishore
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This writ petitioner filed this Writ Petition challenging the impugned order in Na.Ka.No.08/Thi.Na.Ka/2023 dated 16.10.2023 passed by the respondent No.3 and consequently seeking direction to the respondents to grant permission to the petitioner to conduct a public meeting with regard to commemoration of Mamannar Maruthupandiargal, which is scheduled to be held on 04.11.2023 at 05.00p.m. to 10.00p.m. near Anna Statue, Sivagangai Road, Thiruppathur, Sivagangai District.

2. Mr.R.M.Anbunithi, learned Additional Public Prosecutor takes notice for the respondents.

3.The petitioner is the Secretary of “Tamilaga Makal Jananayaka Party”. He stated that in every year they are conducting the



W.P(MD)No.26428 of 2023

Commemoration to remember the Mamannar Maruthupandiargal's contribution to Independent of India. Likewise, this year, he gave the representation on 12.10.2023. The same was rejected by the jurisdictional Inspector of Police by the impugned order, dated 16.10.2023. In the impugned order, it is stated that due to the Maruthupandiargal and Pasumpon Muthuramalingar Jeyanthi, the Sivagangai District Collector passed 144 Cr.P.C. proceedings in that area. Therefore, he submitted another representation disclosing proposal to conducting the said meeting on 04.11.2023. The same was not considered by the respondents till date. Hence, he filed this writ petition challenging the rejection order passed on 16.10.2023 and consequently, seeking direction to the respondents to consider the representation made by the petitioner.

4.The learned counsel for the petitioner submitted that for the past number of years, the petitioner regularly conducted the programme. There was no untoward incidents taken place. This year due to some promulgation under Section 144 Cr.P.C., the respondent police rejected their representation. He further submitted that now they changed the meeting date and prays to allow this petition.



W.P(MD)No.26428 of 2023

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5.The learned Additional Public Prosecutor Mr.R.M.Anbunithi, submitted that the petitioner did not submit any representation. Earlier the representation was rejected on the ground that there is promulgation under Section 144 of Cr.P.C. in Sivagangai District. He would further submit that if the petitioner making fresh representation with proper undertaking, disclosing the name of the participants of the meeting and also with specific undertaking that they will not make any derogative statements against the community leaders and political parties, the law enforcing agency is ready to give permission to conduct the meeting on 04.11.2023 as per the schedule.

6.The above said submissions of the learned Additional Public Prosecutor is accepted and this Court is inclined to dispose this writ petition with the following conditions.

(i) the petitioner is directed to give fresh representation to the respondent police with undertaking affidavit, mentioning the name of the participants and also with specific undertaking to the effect that they shall not make any derogative statement against the community leaders and political parties.



W.P(MD)No.26428 of 2023

(ii) On receipt of such representation the respondent police shall consider the same favourably, forth with, imposing necessary conditions.

(iii) The petitioner shall conduct the above said meeting in peaceful manner without causing disturbances to any public.

7. With the above said directions, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.

03.11.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
TM

To

1. The Superintendent of Police, O/o. Superintendent of Police,
Sivagangai District.
2. The Deputy Superintendent of Police, O/o. Deputy Superintendent of
Police, Thirupathur Division, Sivagangai District.
3. The Inspector of Police, Sivagangai Town Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.26428 of 2023

K.K.RAMAKRISHNAN, J

TM

Order made in
W.P(MD)No.26428 of 2023

Dated : 03.11.2023