



W.P.No.18419 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

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THE HON'BLE Dr.JUSTICE **G.JAYACHANDRAN**

W.P.No.18419 of 2024

Muthu Krishnan Thangaiya

... Petitioner

Vs.

The Inspector of Police,
Nagore Police Station,
Nagore (Kottagam),
Nagapattinam-611 002.

... Respondent

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in Na.Ka.No.20/Nagapattinam, Nagore 2024 dated 01.07.2024 on the file of the respondent and to quash the same and to permit the petitioner to celebrate the petitioners wife Thangam's 29th death anniversary on 03.07.2024 or any other short date in this month as deem fit.

For Petitioner : Mr.G.Krishanmurthy

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



W.P.No.18419 of 2024

ORDER

The petitioner herein is aggrieved by the order passed by the Inspector of Police, Nagoor dated 01.07.2024 rejecting his request dated 10.06.2024 seeking permission to conduct silent rally and the public meeting commemorating the death anniversary of the petitioner's wife.

2. The petitioner's wife died in a parcel bomb blast sent by the extremist. In this connection it is stated that for the past 28 years, the death anniversary been conducted. When he on 10.06.2024 requested to grand permission for the silent rally and public meeting proposed to be held on 03.07.2024, the said representation was not decided till 01.07.2024 and the impugned order declining permission was served on the petitioner on the afternoon on 01.07.2024. Hence, the petitioner seeks intervention of this Court on the ground that the fundamental rights of the petitioner been deprived by the respondent police citing untenable reasons.

3. The learned counsel appearing for the petitioner made a mention on 02.07.2024 to take up this Writ Petition urgently. However, this Court directed the counsel to serve advance copy to the learned Government Advocate (Crl.Side) to get instructions and listed the case today. Mr.S.Udayakumar,



W.P.No.18419 of 2024

learned Government Advocate (Crl.Side) had obtained instructions from the Inspector of Police, Nagore and the Inspector of Police, Nagore also present before this Court.

4. On perusing the file and the submissions made by the learned Government Advocate (Crl.Side), it appears that last year the star speaker of the meeting had made some derogative remarks against a particular religion. Therefore, case has been registered against him under Sections 153(A)(1)(a), 295(A), 189, 505(2) and 506(2) IPC. It is now apprehended by the Police that the very same person had been called to be the star speaker in this meeting and there is every reason to apprehend that he may create hatred among the public. That apart in the impugned order, it is stated that the place which the proposed meeting to be conducted is very near to the hospital and therefore, it will cause disturbance to the patients and public.

5. The learned counsel appearing for the petitioner undertakes that the annual meeting of commemorating death anniversary of Smt.Thangam will be conducted without causing disturbance to the public and submits that, if Mr.Ramesh Babu speech was in violation of law, he will undertake not to invite Ramesh Babu this year to participate in the public meeting and rally.



W.P.No.18419 of 2024

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6. This Court time and again had passed orders directing the police to give permission and protection for meeting and rally, if the organiser give an undertaking that they will not cause disturbance to the public peace. Taking note of the factual situations and ground reality, orders are been passed time and again. But of late, this Court finds that there is selective discrimination by the State Government not granting permission to one group and allowing certain other groups to have their meeting wherever they wish.

7. The learned counsel appearing for the petitioner states that the silent rally and public meeting will be conducted without violating the undertaking given in the letter. If any other further reasonable condition to be imposed, he undertakes to abide by those conditions. The petitioner agrees to conduct the rally and public meeting on 07.07.2024 in the same venue and same time as informed earlier to the police.

8. Taking into consideration, the objections raised by the State and the records circulated for consideration, Court permits the petitioner herein to conduct silent rally and public meeting on 07.07.2024. The respondent police shall provide adequate protection for the meeting. If there is any breach of



W.P.No.18419 of 2024

undertaking given by the petitioner, necessary action in accordance with law can be initiated.

9. With this directions, this Writ Petition is allowed. No costs.

04.07.2024

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Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation : Yes/No

Note: Issue Today

To

1.The Inspector of Police,
Nagore Police Station,
Nagore (Kottagam),
Nagapattinam-611 002.

2.The Public Prosecutor,
High Court of Madras,
Chennai



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W.P.No.18419 of 2024

Dr.G.JAYACHANDRAN, J.

rpl

W.P.No.18419 of 2024

04.07.2024