

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03/02/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

WP(MD)No.2499 of 2024

and

WMP(MD)Nos.2492 to 2494 of 2024

P.Anbzhagan,
District President,
Bharatiya Mazdoor Sangam,
Door No.66, Kambar Street,
S.S Colony,
Madurai.

: Petitioner

Vs.

1.The Commissioner of Police,
Commissioner Office,
Madurai.

2.The Assistant Commissioner of Police,
Thiruparankundram Limit,
Thiruparankundram,
Madurai.

3.The Inspector of Police,
Tiruparankundram Police Station,
Tiruparankundram,
Madurai District.

: Respondents

PRAYER:-Writ Petition has been filed under Article 226 of the Constitution of India, to call for the impugned order passed in Na.Ka.No.26(MLR No. 23)/Mugam/Ka.U.Aa/S&O/2024, dated 01/02/2024 passed by the 2nd respondent herein and to quash the same as illegal as far as denying the permission for conducting Road Rally commencing from Vinayagar Temple, Thirunagar 3rd Bus Stand, Thirunagar, Madurai to Mayil Mandabam, Thiruparankundram, Madurai and further direct the respondents to grant permission to perform Road Rally

commencing from Vinayagar Temple, Thirunagar 3rd Bus Stand, Thirunagar, Madurai to Mayil Mandabam, Thiruparankundram, Madurai or in any other alternate route as prescribed by the respondent in the said same locality on 03/02/2024 at 04.00 pm and to pass such further orders.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking quashment of the impugned order passed in Na.Ka.No.26 (MLR No. 23)/Mugam/Ka.U.Aa/S&O/2024, dated 01/02/2024 by the 2nd respondent herein, in as far as denying the permission for conducting Road Rally commencing from Vinayagar Temple, Thirunagar 3rd Bus Stand, Thirunagar, Madurai to Mayil Mandabam, Thiruparankundram, Madurai and further direct the respondents to grant permission to perform Road Rally commencing from Vinayagar Temple, Thirunagar 3rd Bus Stand, Thirunagar, Madurai to Mayil Mandabam, Thiruparankundram, Madurai.

2.Heard both sides.

3. Proposing to conduct rally and public meeting, a representation was made by this petitioner, on 19/01/2024. That came to be returned by making certain queries by the officials. That was not properly replied by this petitioner. But however, seeking writ of Mandamus petition has been filed seeking permission to conduct the public meeting and rally commencing from Vinayagar Temple, Thirunagar 3rd Bus Stand, Thirunagar, Madurai to Mayil Mandabam, Thiruparankundram, Madurai on 03/02/2024 between 03.00 pm and 06.00 pm.

4. When the matter was taken up for hearing before the Coordinate Bench of this court, the respondents submitted that the representation, that was made by the petitioner was rejected, by order, dated 01/02/2024. When that was brought to the notice of the petitioner, the learned counsel appearing for the petitioner has submitted that he is not pressing the request with regard to the rally, but sought permission only for conducting indoor meeting and public meeting. On that account, liberty was given to the petitioner to make fresh representation and the officials were also directed to consider the representation on its own merits and pass orders immediately.

5.In pursuance of the above said order, another representation made by the petitioner, on 02/02/2024. That was considered by the officials and granted permission to the petitioner to conduct indoor meeting and conference as the case may be by imposing certain conditions.

6.Now the grievance of the petitioner is that even though, he sought permission of this court to make a fresh representation, he did not make any specific representation for conducting rally. But only with regard to the public meeting, he made a representation. So there is no occasion for the respondents herein to consider the representation for rally.

7.But without advertting to the above said fact, this writ petition has been filed seeking to set aside the order, dated 01/02/2024, which was already considered by this court and the above said directions were issued.

8.Even though, writ petition seeking Certiorarified mandamus may not lie at this stage, a request was made by the learned counsel appearing for the petitioner on record that he may be permitted to take out rally by restricting number of persons and distance, since

through-out the State, the said rally has been arranged. When this request was made, the learned Additional Public Prosecutor was requested to consider the above said representation to be made by the petitioner in this regard immediately. So a fresh representation be given by the petitioner restricting the distance 100 metre from the venue and the number of persons to 100, so that symbolic rally may be taken up by the petitioner to express their view.

9.On that account, a request was made by the petitioner that rally may be permitted from Thiruparankundram Arch to the Venue. That request is also considered by the officials, who are present before this court and they are accepting the above said request.

10.The petitioner has to bear all the expenses for providing police protection and comply all the reasonable conditions that may be imposed.

11.With the above said direction, this writ petition stands **disposed of**. Let the above said fresh representation be made immediately. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index:Yes/No
Internet:Yes/No

03/02/2024

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To,

- 1.The Commissioner of Police,
Commissioner Office,
Madurai.
- 2.The Assistant Commissioner of Police,
Thiruparankundram Limit,
Thiruparankundram,
Madurai.
- 3.The Inspector of Police,
Tiruparankundram Police Station,
Tiruparankundram,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGOVAN, J

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