



W.P.(MD)No.26418 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.26418 of 2024

Gopi Perarivalan

.. Petitioner

Vs

1. The Superintendent of Police
Kanyakumari District

2. The Inspector of Police
Boothapandi Police Station
Kanyakumari District

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 19.10.2024 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to give permission for fasting on 28.10.2024 at 9.00 AM to 5.00 PM at Eratchakulam Junction in Kanyakumari District

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

This Writ Petition has been filed to quash the impugned order dated 19.10.2024, whereby rejecting the petitioner's permission to conduct Dharna near Eratchakulam Junction in Kanyakumari District on 28.10.2024 at 9.00 a.m., to 5.00 p.m.,

2. The contention of the petitioner is that the petitioner who is the District Secretary of a political party called Viduthalai Siruthaigal Katchi had sent a representation that after bifurcation of Kanyakumari District in the year 1956 there is no separate independent assembly constituency for Aadi Dravidar Community people and thereby the party had decided to hold protest by way of Dharna on 28.10.2024 at 9.00 a.m., to 5.00 p.m. near Eratchakulam Junction in Kanyakumari District. The petitioner's right of protest is ensured by Article 19(1)(b) of the Constitution of India which shall not be denied. The respondent without considering the fundamental right had denied the permission for dharna. As on date there is no law and order problem and the situation is calm and peaceful. In such circumstances the impugned order is not sustainable.



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3. The learned Additional Public Prosecutor would submit that the petitioner's representation is dated 15.10.2024 to hold dharna on 28.10.2024. Even as early as on 19.10.2024 the representation of the petitioner was rejected. Between 19.10.2024 and 28.10.2024 the petitioner ought to have filed petition and agitated with regard to the impugned order. Now the date of dharna is lapsed. Hence the writ petition is not maintainable.

4. The learned counsel appearing for the petitioner seeks permission that he may be permitted to give fresh representation seeking permission to hold dharna on a later date.

5. It is for the petitioner to make such representation which right is with him always.



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6. Observing as above, the Writ Petition stands disposed of . No costs.

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Index: Yes/No

Internet : Yes/No

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To

1. The Superintendent of Police
Kanyakumari District
2. The Inspector of Police
Boothapandi Police Station
Kanyakumari District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

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