



W.P(MD)No.29176 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.29176 of 2023

in

W.M.P.(MD)No.26686 of 2023

1. R.Bagathsingh
2. K.Duraipandian

...Petitioners

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai District.
2. The Inspector of Police,
Thallakulam Police Station,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to grant a permission to the petitioners to conduct the Dharna and Protest for three demands as against Madurai District Collector in a peaceful manner nearby District Collectorate in the light of the petitioners representation, dated 22.11.2023.

For Petitioners : Mr. A.Ramesh

For Respondents : Mr. T.Senthil Kumar



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Additional Public Prosecutor

ORDER

The Petitioner had filed this Writ Petition to direct the respondents to grant permission to the petitioners to conduct the Dharna and Protest for three demands as against Madurai District Collector in a peaceful manner nearby District Collectorate in the light of the petitioners representation, dated 22.11.2023.

2. The learned Counsel for the Petitioner submits that the first Petitioner is the District Secretary in Revolutionary Marxist Party of India and the second Petitioner is the Madurai City District President of Bahujan Samaj Party.

3. When the case came up for hearing, the learned Counsel for the Petitioner submits that the first petitioner is not insisting with the second Petitioner. Therefore, he seeks permission of the Court, not to press the petition as against the second petitioner.

4. On endorsement made by the learned Counsel for the



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Petitioners, the writ petition is dismissed as against the second Petitioner is not pressed. Further, the learned Counsel for the Petitioners submits that they had given representation to the Respondents 1 and 2 to conduct peaceful demonstration in Madurai. The second Respondent had denied the permission for both the Petitioners. Subsequently, the Petitioners have given the representation to notify the place to the them based on which he fix the date. Till date, the Respondents have not granted any permission. Therefore, the first Petitioner seeks Writ of Mandamus against the Respondents 1 and 2.

5. As per the submission of the learned Additional Public Prosecutor, the prayer of the Petitioners itself is not maintainable as the fixed persons are expired. Further, the writ petition was filed by two persons belonging to two different organizations and they are seeking Joint Manadamus against the Respondents 1 and 2. They had given representation as per the submission of the learned Counsel appearing for the Petitioners. Now, after having given representation to the Respondents 1 and 2 and after filing the writ petition behind the back of the Respondents, one of the writ petitioner withdraws the writ petition against another Petitioner before the Respondents 1 and 2. Therefore, it



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is the submission of the learned Additional Public Prosecutor, the writ petition as such is not maintainable, as the relief sort by the petitioner is vague and also the date was already expired.

6. Considering the submission of the learned Counsel for the Petitioners, this writ petition is dismissed with a direction to the first Petitioner to file a fresh application before the Respondents 1 and 2. The Respondents 1 and 2 shall pass appropriate order on fresh application.

With the above said direction, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.01.2024

Internet:Yes
Index :Yes/No
jbr



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To

1. The Commissioner of Police,
Madurai City,
Madurai District.
2. The Inspector of Police,
Thallakulam Police Station,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

jbr

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