



W.P(MD) No.30670 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.30670 of 2024
and WMP(MD) No.25757 of 2024

P.Bavel

... Petitioner

Vs

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

2. The Deputy Superintendent Of Police,
O/o. the Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. 152/R1/PS/ SVG/2024 passed by the Respondent No.3 dated 30.11.2024 and quash the same as illegal and consequently direct the Respondents to grant permission to conduct the demonstration in the form of Dharna along with mike set on 19.12.2024 at about 03.00 PM to 07.00 PM or on any other subsequent date at Theradi Veedhi Kalaayarkovil, Sivagangai



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District by considering the petitioners representation dated 12.12.2024 within the time framed by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.E.Antony Sahaya Prabahar (R1-R3)
Additional Public Prosecutor

ORDER

The Writ Petition has been filed to challenge the impugned order in Na.Ka.No. 152/R1/PS/ SVG/2024 passed by the Respondent No.3 dated 30.11.2024 and consequently direct the Respondents to grant permission to conduct the demonstration in the form of Dharna along with mike set on 19.12.2024 at about 03.00 PM to 07.00 PM or on any other subsequent date at Theradi Veedhi Kalaayarkovil, Sivagangai District by considering the petitioner's representation dated 12.12.2024.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents police.

3.The petitioner had sent a representation for holding Dharna on 23.12.2024 at Theradi Veedhi Kalaayarkovil, Sivagangai District against high handed activity of one Karthikeyan, SI of police attached to the third respondent. As per the 30(1) of Police Standing Order, either the Deputy



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Superintendent of Police or the Assistant Commissioner has to pass an order of rejection. In this case, the impugned order has been issued by the 3rd respondent, who has no authority to pass such an order. Hence, prays to set aside the impugned order, this petition has been filed.

4.The learned Additional Public Prosecutor submitted that the impugned order passed by the 3rd respondent is not in accordance with the procedure. Further, the date sought for by the petitioner to conduct the Dharna is already passed. Therefore, the petitioner has to approach the concerned authority and give a fresh representation. Thereafter, his representation will be considered in accordance with law.

5.In view of the above, the petitioner is directed to give a fresh representation before the respondents immediately and the respondents are directed to consider the representation of the petitioner, in accordance with law within a period of one week, from the date of receipt of copy of the fresh representation.



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6.With the above directions, this writ petition stands disposed of.

Consequently, connected miscellaneous petition is closed.

29.01.2025

Index : Yes/No

Internet : Yes

PNM

To:

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O/o. the Superintendent of Police,
Sivagangai District.

2. The Deputy Superintendent Of Police,
O/o. the Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.

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

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M. NIRMAL KUMAR,J.,

PNM

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29.01.2025