

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

WP(MD)No.3562 of 2021
and
WMP(MD)No.2887 of 2021

N.Selvakumar ... Petitioner

vs.

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

2. The Assistant Commissioner of Police,
Thilagar Thidal (Law and Order) Range,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records in the proceedings in Na.Ka.No.26/21, dated 18.02.2021 of the second respondent and quash the same and consequently direct the respondents to grant permission for the petitioner to conduct awareness campaign.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2.The writ petition is filed seeking to quash the order of the second respondent in Na.Ka.No.26/21, dated 18.02.2021, by which, the permission to the petitioner to conduct awareness campaign through Van bearing Registration No.TN-58-AP-3505 in and around Madurai, was denied.

3.Mr.S.Srinivasa Raghavan, learned counsel appearing for the petitioner contended that the petitioner is holding the office of District Convener of “Sri Rama Jenma Boomi Theertha Kshethra Trust” which is formed for creating awareness among the general public and also for construction of “Sri Rama Temple in Ayodhya” as per the orders of the Hon'ble Supreme Court of India in Civil Appeal Nos.10866-10867 of 2010. His further contention is that the petitioner filed a petition before the first respondent on 13.02.2021 seeking permission to conduct

awareness campaign through a Van bearing Registration No.TN-58-AP-3505 in and around Madurai and the said representation was rejected by the second respondent on 18.02.2021 citing the present Covid-19 situation and also law and order problem. His further contention is that though permission is granted by the Government to various political and social organizations to conduct conference and public meetings, the present petitioner was denied permission by the second respondent. It is also his contention that the movement of the vehicle bearing Registration Number TN-58-AP-3505 was also restrained by the police.

4.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents, on instructions, would contend that the second respondent is not having jurisdiction all over the 100 wards of Madurai, that he is not also empowered to grant permission to the present petitioner and that the petitioner should file a petition before the Commissioner of Police, Madurai City police.

5.A perusal of the orders passed by the second respondent on 08.02.2021 shows that the present petitioner was not granted permission to conduct the awareness campaign in and around Madurai citing the present Covid-19 situation and also law and order problem. Nowhere it is stated that the second respondent does not have powers to pass orders and in case, he found so, he should have forwarded the same to the Commissioner of police instead of rejecting the permission.

6.The main contention of the petitioner is that he is the District Convener of “Sri Rama Jenma Boomi Theertha Kshethra Trust” and that he wants to conduct an awareness campaign in and around Madurai. It is pertinent to point out that “Sri Rama” is very close to the heart of the religious sentiments of Hindus and when people are allowed inside the movie halls, malls and other public places stipulating the basic safety measures like wearing masks and using hands sanitizer, I do not find any reason to validate the official stance taken by the second respondent in this matter. It is also pertinent to point out that relaxations are being made every week in a month, for example, removing the gap of 50 flights

per day from today (ie., 19.02.2021) and therefore, it is intriguing that such permissions are denied citing Covid-19 Pandemic. It is also not stated in the order passed by the second respondent as to how there will be law and order problem, if the petitioner is permitted to take his van bearing Registration No.TN-58-AP-3505 in and around Madurai.

7.It is the contention of the learned counsel appearing for the petitioner that movement of the vehicle bearing Registration No.TN-58-AP-3505 is restrained by the respondent police. The concerned authorities should not have restrained the movement of the petitioner's vehicle. This action appears to be high handed. On the other hand, they should have allowed the procession after imposing certain restrictions. Therefore, while ordering the immediate release of the vehicle bearing Registration No.TN-58-AP-3505, the first respondent/Commissioner of Police, Madurai City is also directed to pass appropriate orders on the representation submitted by the petitioner immediately, since the second respondent's contention is that he does not have any power to pass orders.

8.In the circumstances, the impugned order, dated 18.02.2021 in Na.Ka.No.26/21, is quashed and the first respondent is directed to consider the representation of the petitioner and pass appropriate orders with reasonable restrictions for the free movement of the vehicle in and around Madurai.

9.With the above observations, the Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

19.02.2021

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Index : Yes/No

Internet: Yes

Speaking/Non-Speaking order

Note: (i)**Issue Order Copy on 19.02.2021.**

(ii) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Assistant Commissioner of Police,
Thilagar Thidal (Law and Order) Range,
Madurai City.

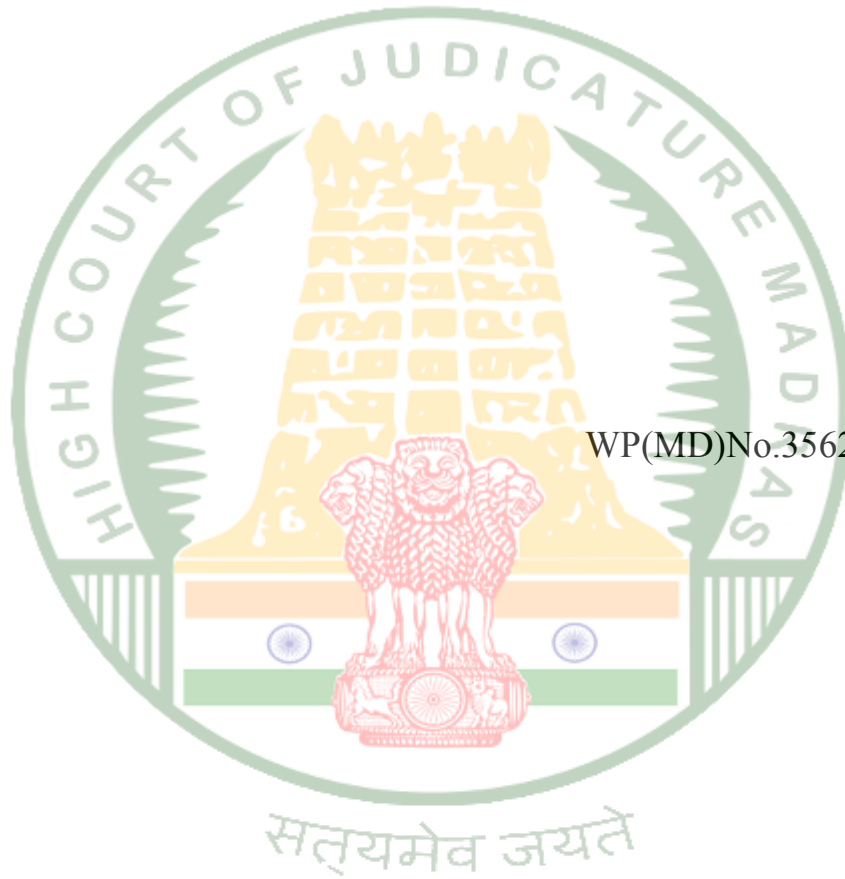


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R.HEMALATHA, J.

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