

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 9-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.10331 of 2015

and

M.P.No.1 of 2015

Perundurai Environment Protection
Trust

Rep. By its Chairman
V.M.Kandasamy
26, Chennimalai Road
V.K.P.Complex
Perundurai 638 052
Erode District

... Petitioner

vs

1. The District Collector
Erode District
Erode 638 011.

2. The Deputy Superintendent of Police
Perundurai Sub Division
Perundurai, Erode District

3. The Inspector of Police
Perundurai Police Station
Erode District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 and 3 to grant permission to the petitioner to conduct a procession following by public meeting nearby the New Bus Stand, Perundurai, Erode District on 30.4.2015 between 6.00 p.m. and 10.00 p.m. to protest against the proposed Coco Cola beverage bottling plant at SIPCOT, Perundurai, Erode District by considering the petitioner's representations dated 21.3.2015 and 27.3.2015.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.S.V.Duraisolaimalai
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The Chairman of the petitioner-Trust viz. Perundurai Environment Protection Trust - a registered body, has filed the affidavit stating among other things, that the said trust has been established for the purpose and object to protect the environment free from any kind of pollution and also to safeguard the water bodies from hazardous industries. According to the petitioner, the first respondent representing the Government, has entered into an agreement dated 23.1.2014, for providing lands admeasuring to an extent of 71.34 acres in SIPCOT Complex to enable a multi-international company to erect a Coco Cola Beverage Bottling Plant. It is the specific case of the petitioner that for the purpose of manufacturing various brands of beverages by the said Company, nearly 40 lakhs liters of water will be drawn from the river "Bhavani", besides erecting bore-wells, which will also deplete the ground water level. The petitioner would further state that already water bodies are getting dried due to insufficiency of rain and agricultural activities are also started and if the said plants are allowed to be established, the lives of the agriculturists and other downtrodden people will be lost for ever and to exhibit their protest, they want to conduct a procession ending with a public meeting and in this regard, they have submitted an application dated 21.3.2015, to the third respondent and it was also followed by a reminder dated 27.3.2015, and a pamphlet was also published indicating the consequences/effect in the event of establishing the said bottling plant. However, the third respondent did not choose to pass any orders and therefore, the petitioner came forward to file this writ petition.

3.Mr.N.Manokaran, learned Counsel appearing for the petitioner, would submit that on an earlier occasion, the petitioner has moved the second respondent for the same relief and it was rejected on 2.1.2015, stating that in the event of procession, the traffic will be affected and thereby, putting the public into difficulty and the prohibition order was also in force.

4.It is the submission of the learned Counsel appearing for the petitioner, that conducting a procession and holding a public meeting is a fundamental right guaranteed under the constitution, and the Hon'ble Supreme Court of India as well as this Court in very many decisions, have also recognised such rights. He has also drawn the attention of this Court to the judgment rendered by the Hon'ble Supreme Court of India in A.ARPUTHARAJ V. THE CORPORATION OF CHENNAI AND OTHERS [2008 (3) CTC 609] and also the judgment of this Court reported in 2015 (1) CTC 49 [DURAI SANKAR V. THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, GOVERNMENT OF TAMIL NADU AND OTHERS and prays for appropriate orders.

5.Per contra, Mr.S.V.Duraisolaimalai, learned Additional Government Pleader, who accepts notice for the respondents, on instructions, would submit that in the event of the petitioner-Trust permitted to conduct a procession and also hold a public meeting, it will definitely lead to law and order problem and the travelling public will also be affected and the petitioner is not espousing the genuine cause and prays for dismissal of the writ petition.

6.This Court has carefully considered the rival submissions. In the decision of this Court reported in 2015 (1) CTC 49 and cited supra, various judgments rendered by the Hon'ble Supreme Court of India as well as by this Court, have been considered in detail and ultimately, relief was granted to a particular organisation to hold procession.

7.The petitioner-Trust seems to be aggrieved by the establishment of the bottling plant by a particular multi-national company as it apprehends that on account of the same, the water sources intended for agricultural and other purposes, are likely to be diverted and the level of ground water may also go down and to exhibit their protest, they want to conduct a procession and also hold a public meeting.

8.Though it is the submission of the learned Additional Government Pleader that there is every likelihood of law and order problem and nuisance may also be caused to the general public, the jurisdictional police being the guardian of law and order of the particular locality, they are armed with enough powers under the statute to deal with any such situation, of course, in accordance with law, and therefore, for the purpose of permitting the petitioner-Trust to conduct a procession and hold a public meeting, they can impose any reasonable restrictions.

9.In the result, the writ petition is disposed of and the third respondent is directed to consider the application/representation of the petitioner dated 21.3.2015, as well as the reminder dated 27.3.2015, on merits and in accordance with law, in the light of the observations made by this Court, after giving an opportunity of personal hearing to Thiru V.M.Kandasamy, Chairman of the petitioner-Trust, and pass orders within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

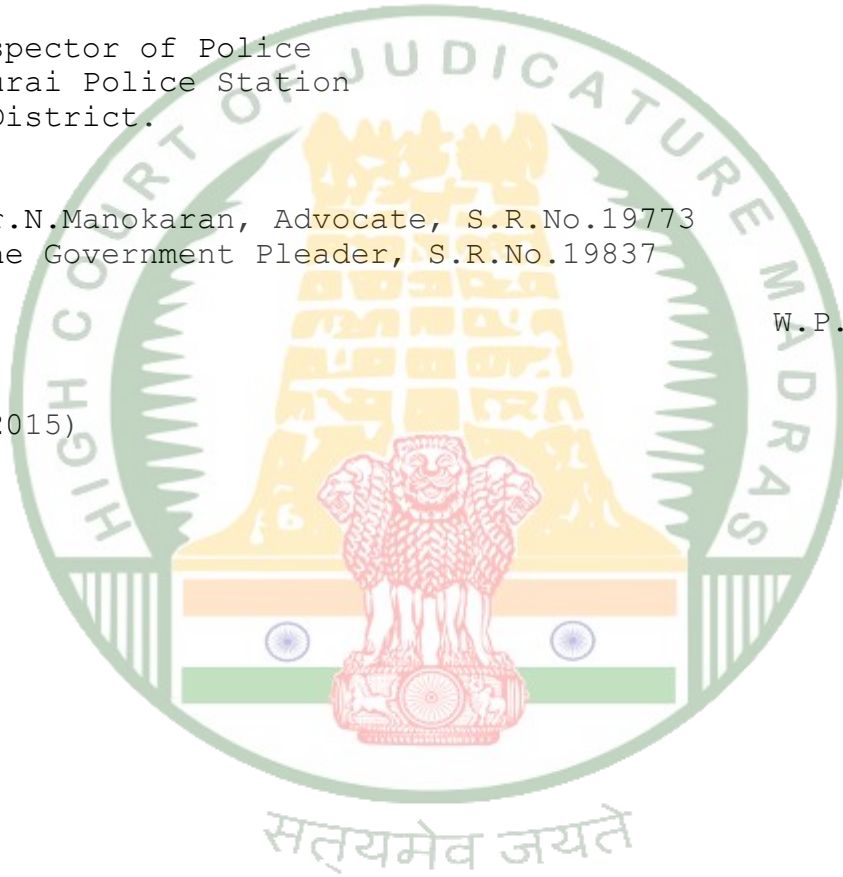
To:

1. The District Collector
Erode District
Erode 638 011.
2. The Deputy Superintendent of Police
Perundurai Sub Division
Perundurai, Erode District
3. The Inspector of Police
Perundurai Police Station
Erode District.

+lcc to Mr.N.Manokaran, Advocate, S.R.No.19773
+lcc to the Government Pleader, S.R.No.19837

W.P.No.10331 of 2015

RJ(CO)
CA(13/04/2015)



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