

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NOS.1482 TO 1484 OF 2015

P.Rajan,
President,
Covai Maavatta Puthiya Jananayaga Thozhizhallar Munnani,
(Reg. No.1241),
No.137, First Floor, K.R.R.Complex,
Thandalam Road, K.N.G.Pudur (Branch),
Coimbatore - 641 108 ... Petitioner in W.P.No.1482/15

R.Sankar,
S/o.Ramar,
Krishnagiri District Secretary,
Puthiya Jananayaga Thozhizhallar Munnani,
(Reg.No.24/KRI),
L-416, ASTC Old Hudco, Hosur,
Krishnagiri. ... Petitioner in W.P.No.1483/15

M.Mukilan,
S/o.Mugundan,
Avadi - Ambattur Area Secretary,
Puthiya Jananayaga Thozhizhallar Munnani,
(Reg.No.43/TVR),
110, N.S.K.Salai, Kodambakkam,
Chennai. ... Petitioner in W.P.No.1484/15

Vs

सत्यमेव जयते

1. The Deputy Commissioner of Police,
(Law and Order),
Coimbatore.
2. The Inspector of Police,
Thudiyalur Police Station,
Coimbatore. .. Respondents in W.P.No.1482/15
1. The Superintendent of Police,
Krishnagiri.

2. The Inspector of Police,
Krishnagiri Police Station,
Krishnagiri.

.. Respondents in W.P.No.1483/15

1. The Commissioner of Police,
Chennai.

2. The Inspector of Police,
Avadi Police Station,
Chennai.

.. Respondents in W.P.No.1484/15

* * *

PRAYER in W.P.No.1482/2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to permit the petitioner's organization to conduct demonstration on 26.01.2015 at nearby Thudiyalur Bus Stand, Coimbatore, at about 10.00 a.m. Based on petitioner's representation dated 14.01.2015.

PRAYER in W.P.No.1483/2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to permit the petitioner's organization to conduct demonstration on 26.01.2015 at nearby Avadi Bus Stand, Coimbatore, at about 10.00 a.m. Based on petitioner's representation dated 19.01.2015.

PRAYER in W.P.No.1484/2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to permit the petitioner's organization to conduct demonstration on 26.01.2015 at nearby Avadi Bus Stand, Coimbatore, at about 10.00 a.m. Based on petitioner's representation dated 17.01.2015.

* * *

For Petitioners in : Mr.R.Sankara Subbhu
all these petitions for M/s.S.Parthasarathi

For Respondents in : Mr.V.Jayaprakash Narayanan
all these petitions Special Government Pleader

COMMON ORDER

Heard Mr.R.Sankara Subbhu, learned counsel for the petitioners, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents.

2. The petitioner in W.P.No.1482 of 2015 is the President of the Covai Maavatta Puthiya Jananayaga Thozhizhallar Munnani, the petitioner in W.P.No.1483 of 2015 is the Krishnagiri District Secretary of the Puthiya Jananayaga Thozhizhallar Munnani and the

petitioner in W.P.No.1484 of 2015 is the Avadi - Ambattur Area Secretary of the Puthiya Jananayaga Thozhizhallar Munnani.

3. All the three petitioners would state that their organizations have been established for the upliftment of workers in particular and to struggle for democratic rights of the people and the organizations have been doing several welfare measures for the upliftment of the persons in the locality and doing various other philanthropic activities.

4. The petitioners would state that they have submitted representations dated 14.01.2015, 19.01.2015 and 17.01.2015 respectively to the second respondents in the respective writ petitions. In the said representations, they have sought for grant of permission to conduct an agitation with 100 people opposing the proposed visit of the President of the United States of America on 26.01.2015, wherein, he has been invited to participate for the Republic Day Ceremony. The petitioners would submit that though representations were given on 14.01.2015, 19.01.2015 and 17.01.2015, no orders have been passed and therefore, the petitioners are before this Court.

5. The learned counsel for the petitioner submitted that throughout the world such agitations have been carried on, wherein, people have openly expressed their views with regard to the various policies of the other country. In the affidavits filed in support of these writ petitions in paragraph 7, the petitioners would state that their unions decided to conduct demonstration at Trichy, Pondicherry, Hosur, Coimbatore and Chennai and the respondents police have already given oral permission at Trichy and Pondicherry.

6. In order to verify the correctness of the said submission, the writ petitions were passed over in the morning and the learned Special Government Pleader was directed to get written instructions from the Commissioner of Police, Trichy.

7. The Commissioner of Police, Trichy City, by reply dated 23.01.2015 sent by fax to the learned Special Government Pleader submitted that no written or oral permission has been given to the petitioners organization sofar relating to the visit of the President of the United States of America on 26.01.2015. Therefore, from the stand taken by the Commissioner of Police, Tiruchirappalli City, Tiruchirappalli, the stand taken by the petitioners appears to be factually incorrect.

8. It has to be pointed out that the freedom of speech, as guaranteed by the Constitution of India, cannot be curtailed. But, however, the same can be restricted and the Constitution permits for such regulation.

9. It is to be noted that 26th January is the Republic Day and on that date, the petitioners seek to conduct the demonstration. The country always celebrates the Independence Day and Republic Day and in all the district headquarters, government offices functions are being organized by the respective departments, wherein, government servants and the general public participate to salute the National Flag, which is being hosted in all public buildings and various establishments conduct various other programmes. In fact, several functions are being arranged by the schools and private institutions, such as prize distribution for children, etc., Therefore, the petitioners cannot, as a matter of right, contend that they will conduct their public meeting or demonstration or protest etc., on 26.01.2015.

10. This Court is of the view that the respondents police, being the law enforcing agencies, are entitled to regulate conducting of meeting and while granting permission, if it falls on a particular date, such as Republic Day or Independence Day, undoubtedly, the respondents police are entitled to state the organisers of such meeting or protest to choose a different date. Therefore, one section of people cannot, as a matter of right, insist that permission should be granted on 26.01.2015.

11. Accordingly, the prayer sought for by the petitioners for grant of permission to conduct demonstration on 26.01.2015 cannot be directed to be granted by the respondents.

12. However, it is open to the petitioners to submit representations, if they are willing to conduct the meeting or demonstration on 27.01.2015 and if it is submitted, the respondents shall act on the same in accordance with law.

13. With the above observations, these writ petitions are disposed of. No costs.

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-s/d-

Assistant Registrar (CS-II)

Dt:23/1/2015

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Chennai.

2. The Deputy Commissioner of Police,
(Law and Order),
Coimbatore.

3. The Superintendent of Police,
Krishnagiri.

4. The Inspector of Police,
Thudiyalur Police Station,
Coimbatore.

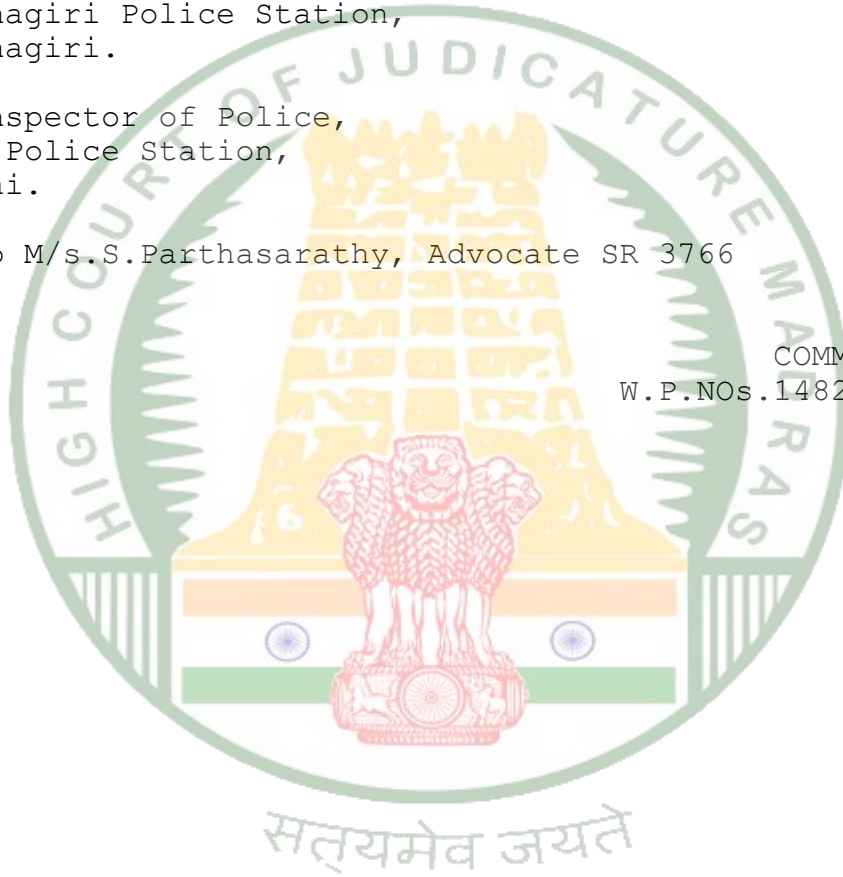
5. The Inspector of Police,
Krishnagiri Police Station,
Krishnagiri.

6. The Inspector of Police,
Avadi Police Station,
Chennai.

+ 3 ccs to M/s.S.Parthasarathy, Advocate SR 3766

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COMMON ORDER IN
W.P.NOs.1482 to 1484 OF 2015



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