

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15683 of 2015

Vijayasundaram M.N.

.. Petitioner

Vs.

1 The Deputy Superintendent of Police
Chidambaram.

2 The Inspector of Police
Chidambaram Town Police Station
Chidambaram, Cuddalore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant police permission and adequate police protection for conducting procession on 05.06.2015 from Gandhi Statue to Municipality Office between 11.00 A.M. and 01.00 P.M. in Chidambaram Town and also to protest in front of Municipality Office, Chidambaram as sought in petitioner's representation dated 01.06.2015.

For Petitioner : Mr.T.Sellapandian

For Respondents 1 & 2 : Mr.V.Subbiah
Special Government Pleader

O R D E R

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

2. The petitioner claims that he is a permanent resident of Chidambaram Town and also a tax payer to the Chidambaram Municipality and he is also the District President of the Congress Committee (in-charge), Cuddalore South from 28.03.2015. According to the petitioner, the posts of Commissioner of the Chidambaram Municipality and the Manager are lying vacant for more than six years and consequently, the vital functions of the said local body almost came to a stand still and in this regard, a representation dated 19.05.2015 was submitted stating among other things that the office premises of the Municipality will be locked with the permission to conduct procession and the same was rejected by the second respondent on 26.05.2015 stating law and order problem. Thereafter, the petitioner submitted one more representation dated 01.06.2015 stating among other things that they do not intend to lock the office of the Municipality, but they want to conduct a

peaceful demonstration in Gandhian way and prayed for permission and since no orders have been passed, the petitioner came forward to file this Writ Petition.

3. Mr.T.Sellapandian, learned counsel appearing for the petitioner would submit that in the event, even the permission being granted to conduct peaceful demonstration there will not be any law and order problem and there will not be any specific act inciting violence and the same is also projected in the affidavit filed in support of the writ petition.

4. Per contra, Mr.V.Subbiah, learned Special Government Pleader vehemently contended that on earlier occasion, the petitioner in his representation dated 19.05.2015 stated that the premises of the local body will be locked and sealed and thereby prevented the public servant from discharging the duty and taking into consideration the said fact, the permission to conduct procession was rejected on 26.05.2015 and in all probability in the event of permission being granted to conduct procession and demonstration, the petitioner will indulge in locking the premises of the local body and prays for dismissal of the writ petition.

5. This court heard the rival submissions made by both side counsel and perused the materials available on record.

6. It is the specific case of the petitioner that on account of posts of Commissioner and the Manager of Chidambaram Municipality are lying vacant and the functions of the local body almost came to a stand still and consequently, the residents of town are suffering very much and to highlight the same, they want to conduct procession and demonstration in a lawful and peaceful manner.

7. It is well settled principle of law that freedom of speech is a Fundamental Right enshrined in Constitution of India and of course, subject to reasonable restrictions. The petitioner in the representation dated 01.06.2015 as well as in the affidavit filed in support of this writ petition has specifically stated that the procession and demonstration will be conducted in a lawful and peaceful manner and they will not indulge in any activity inciting violence.

8. In the light of the said submission, the Writ Petition is disposed of and the second respondent is directed to consider the representation of the petitioner dated 01.06.2015 in accordance with law and in the light of the observation made in the order and pass orders by today itself and communicate the decision taken, to the petitioner. In the event of the permission being granted by

the second respondent and if there is any law and order problem, it is also open to the law and order authority to take appropriate action in accordance with law. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

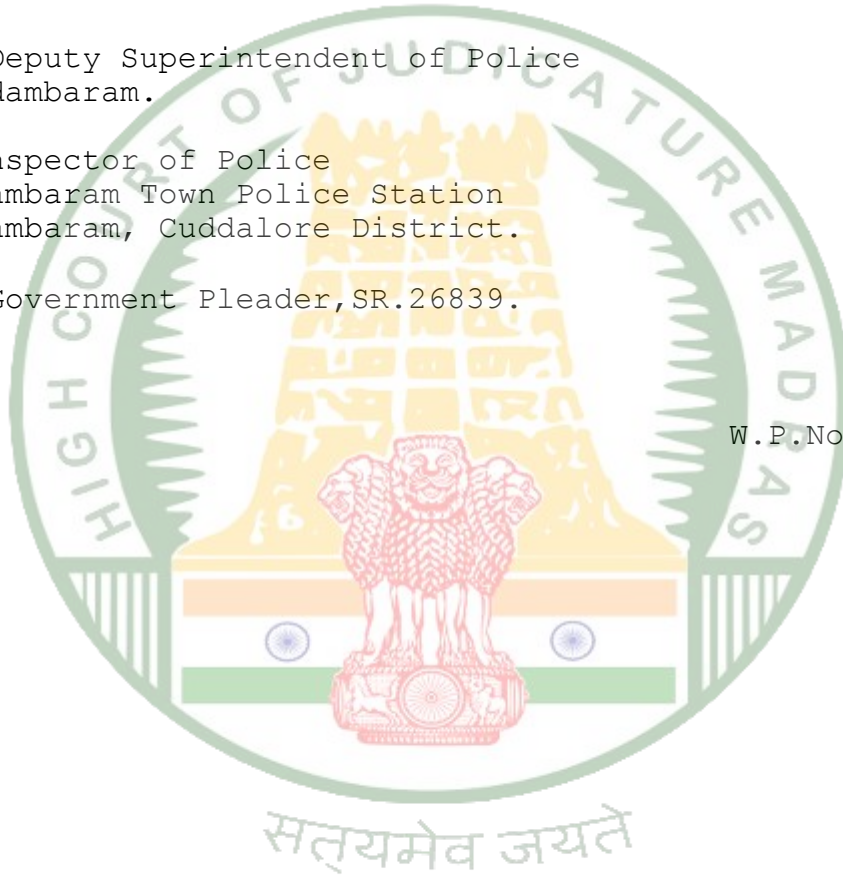
1 The Deputy Superintendent of Police
Chidambaram.

2 The Inspector of Police
Chidambaram Town Police Station
Chidambaram, Cuddalore District.

+1 cc to Government Pleader, SR.26839.

Rsk(co)
krd 11/6

W.P.No.15683 of 2015



WEB COPY