

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.09.2015

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THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.29487 of 2015

K.Arjunan

... Petitioner

Vs

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

2.The Inspector of Police,
B-1 Police Station,
Salem, Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records passed by the 2nd respondent in Na.ka.No.578/Kaa Aaa Aa/ Sa + O/Che. Ma/2015 dated 12.9.2015 and quash the same and further direct the respondents to grant permission to conduct Dharna against the R.D.O. and other Revenue Officials, Salem in front of District Collector Office, Salem.

For Petitioner : Mr.I.Paul Noble Devakumar

For Respondents : Mr.Roofus Abraham, GA

O R D E R

The petitioner made an application, seeking permission to show protest against the unlawful activities of the Government officials.

2. The permission sought for, was not granted on two grounds. One is, with respect to law and order and second is, the existence of Section 41 of the Chennai City Police Act.

3. As rightly submitted by the learned counsel for the petitioner, the object of the protest, cannot be a concern of the respondents.

4. What the petitioner wants is to lodge his protest against the alleged high handedness of the Government officials, which this petitioner is entitled to in law. There is no material to establish the likelihood of law and order problem, that too, when it is sought to be raised against public servants and not against any particular community or group of people. The other

objections raised with reference to Section 41 of Chennai City Police Act also cannot be accepted, since at best, it can be termed as regulatory, meaning thereby, it cannot be prohibitory in nature. The freedom of speech and expression guaranteed under Article 19 of the Constitution of India provides maxim for protest.

5. Thus, the order impugned is hereby set aside and the petitioner is at liberty to give fresh representation, choosing the date for the proposed darna procession. As and when the request is made, the respondent shall pass appropriate orders, permitting the petitioner to hold the said darna, within a period of one week from the receipt of this order, subject to such condition that can be imposed by them, including the place and timing.

The Writ Petition is ordered, in terms of the aforesaid.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

gya

To

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

2.The Inspector of Police,
B-1 Police Station,
Salem, Salem District.

1 cc to Government Pleader.Sr.No.52398/15

1 cc to Mr..I.Paul Noble Devakumar , Advocate Sr.No.52606/15

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pmk.30.9.2015

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