

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.10.2015

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.34149 of 2015

and

M.P.No.1 of 2015

A.Loganathan

Petitioner

Vs

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of
Police, Chidambaram Sub
Division - Cuddalore District,
Cuddalore.
3. The Inspector of Police,
Puduchathiram Police Station,
Cuddalore District. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the order dated 21.10.2015 passed by the second respondent in Na.Ka.No.84/Thu.Kaa.Ka/Chidambaram / 2015 and quash the same and consequently direct the respondents to permit the petitioner to conduct the dharna with day long hunger strike on 27.10.2015 or on any other subsequent dates at the place near Poochimedu Road Junction, Periyapattu, Cuddalore District.

For Petitioner .. Mr.S.Jimraj Milton

For Respondents .. Mr.S.Pattabiraman,
Govt. Advocate

ORDER

The petitioner has sought for permission to show the protest to close down the dyeing units on the ground that the said units are causing untold misery to the general public and affecting the very fabric of life. The request sought for was rejected on

the ground that it is likely to be extended and it would lead to traffic congestion. Challenging the same, the present writ petition has been filed.

2.Learned counsel for the petitioner submitted that the petitioner was allowed to conduct the protest on the previous occasion, pursuant to the rejection and the said rejection order was quashed by this Court in W.P.No.14956 of 2015 dated 28.05.2015. The learned counsel placed reliance upon the said order dated 28.05.2015, which is a comprehensive order passed by this Court, taking into consideration the exposition of fact and law.

3.The learned Government Advocate appearing for the respondents submitted that there is likelihood of traffic congestion and there is possibility of continuing the protest for a longer period.

4.What the petitioner wants to protest is to expose the alleged illegal activities which are being carried out against the society in general. Certainly, such an attempt would encompass the fundamental right enshrined under Article 19(1) of the Constitution of India and the freedom of speech and expression would come to the aid of the petitioner in expressing its grievance in a democratic manner. Though it has been stated that there is a likelihood of traffic congestion, it can be regulated in the manner known to law. Similarly, if the protest is likely to be continued for a longer period, then appropriate action can be taken, for the reasons which are just and proper. When the cause is not illegal and the protest is for that cause, then the same cannot be denied. The order passed by this Court in W.P.No.14956 of 2015 dated 28.05.2015 has become final. Further, the impugned order has been passed sans any material.

5.In view of the above, the impugned order dated 21.10.2015 is set aside and the writ petition is allowed. Consequently, the respondents are directed to give permission to the petitioner to conduct the protest (hunger strike) scheduled to be held on 27.10.2015 subject to the other conditions that can be imposed. No costs. Consequently, connected miscellaneous petition is closed.

mmi

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of
Police, Chidambaram Sub
Division - Cuddalore District,
Cuddalore.
3. The Inspector of Police,
Puduchathiram Police Station,
Cuddalore District.

+ 2 ccs to Mr.S.Jimraj Milton, Advocate SR 57935

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prk26/10

W.P.No.34149 of 2015



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