

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.34707 of 2015

&

M.P. No. 1 of 2015

V. Karunakaran

..Petitioner

Vs.

1.The District Collector,
Thiruvallur.

2.The Inspector of Police (Law & Order),
M4, Red Hills Police Station,
Chennai - 600 052.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 27.10.2015 passed by the 2nd respondent and quash the same with a consequential direction directing the respondents to grant permission to hold 'Aarpattam' by the petitioner on 02.11.2015 at 9a.m. At M.A. Nagar Market, Padiyanallur Panchayat Union as scheduled, by using loudspeakers and to provide sufficient police protection for the public meeting and its participants.

For Petitioner : Mr.M. Dhandapani

For Respondents: Mr.Suriyanarayanan,
Govt. Advocate

O R D E R

By the impugned order dated 27.10.2015, the request made by the petitioner to conduct protest for the inaction in removing the garbage was rejected on the ground that appropriate action is being taken.

2. As rightly submitted by the learned counsel for the petitioner, the reason stated in the impugned order for rejecting the request of the petitioner cannot be a valid ground for denying permission. What the petitioner wants is to show his protest in a democratic way for the continued inaction on the part of the authorities concerned. The respondents are in no way concerned with the nature of action taken. Even in the impugned order, it has been

only stated that action is being contemplated to remove the garbage expeditiously.

3. Learned Government Advocate submitted that the process has begun.

4. However, this Court is afraid that the same cannot be a ground to deny permission. Certainly, the petitioner has got a right to show his protest, which is enshrined in Article 19(1) of the Constitution of India. Further, no other reason has been assigned for rejecting the petitioner's request.

5. Hence, the impugned order is set aside and the writ petition is allowed. The petitioner is at liberty to make a fresh request to the 2nd respondent mentioning the venue for conducting peaceful protest and the 2nd respondent shall consider the said request and grant permission, keeping in mind the law and order situation, the flow of traffic and other relevant factors and impose such conditions, as he may deem fit, for proper conduct of the protest. It is made clear that the fixation of date and time of protest is left to the discretion of the 2nd respondent. No costs. Connected M.P. is closed.
Nv

Sd/-

Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Thiruvallur.

2. The Inspector of Police (Law & Order),
M-4, Red Hills Police Station,
Chennai - 600 052.

+1 C.C. To MR.M.Dhandapani, Advocate in SR.NO.60970

+1 C.C. TO Government Pleader in SR.NO.61461

W.P.No.34707 of 2015

AR(IV)

sd : 24/11/2015