

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.13594 of 2016

M/s.Cauvery Vivasaigal Sangam,
Tiruvarur and Nagapattinam,
represented by its President
Mr.P.R.Pandian ... Petitioner

Vs.

1. The Director General of Police,
No.601, Dr. Radhakrishnan Salai,
Mylapore, Chennai 600 004.
2. The Superintendent of Police,
Krishnagiri District 635 115.
3. The Inspector of Police,
SIPCOT Police Station,
Hosur, Krishnagiri District. ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd and 3rd respondent to permit the petitioners Sangam to hold a Dharna on 12.4.2016 or on any other subsequent date at Jujuwadi near Hosur-Bangaluru High Way.

For Petitioner : Mr.S.Prabakaran
Senior Counsel
for M/s.V.J.Arul Raj
For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of Writ of Mandamus directing the 2nd and 3rd respondents to permit the petitioners Sangam to hold a Dharna on 12.4.2016 or on any other subsequent date at Jujuwadi near Hosur-Bangaluru High Way.

2. Heard Mr.S. Prabakaran, learned Senior counsel appearing for the petitioner and Mr. V. Jayaprakash Narayanan, learned Special Government Pleader appearing for respondents.

3. The petitioner is the president of M/s.Cauvery Vivasaigal Sangam, Tiruvarur and Nagapattinam. According to him, the petitioner Sangam is carrying on social activities in favour of Tamilnadu farmers and agriculturists and is taking necessary steps for protecting the interest of farmers by way of organizing meetings, conferences, seminars etc., with regard to the serious issues that are being faced by farmers in respect of drought, floods, loan, debts, forceful recovery, prevention of suicide of farmers in distress etc.

4. It appears that the petitioner Sangam has made a representation dated 4.4.2016 to the 3rd respondent, seeking permission to conduct a peaceful demonstration through hunger strike (Dharna) for one day on 12.4.2016 from 9.00 a.m. to 5.00 p.m. along with Tamil Nadu All Farmers Organizing Committee at Jujuwadi near Hosur-Bengalur Highway, to agitate the issue of construction of Megathadu and Rasimanal dams in the State of Karnataka, which according to the petitioner Sangam, is illegal and unauthorised. The apprehension of the petitioner Sangam is that if the construction of the said dams is continued, the people of Tamil Nadu State will be deprived of water source and it would drastically affect entire agricultural activities. The grievance of the petitioner Sangam is that despite the representation received, the 3rd respondent has not responded and the 2nd respondent police informed that they would not allow the petitioner Sangam to conduct the Dharna. Hence, the petitioner has come forward with the present writ petition.

5. It is settled law that normally the Courts should not interfere with matters relating to law and order which is primarily the domain of the concerned administrative authorities. They are by and large the best to assess and handle the situation depending upon the peculiar needs and necessities within their special knowledge. Therefore, it is for the 2nd and 3rd respondents to consider the issue of granting permission to the petitioner Sangam after assessing the factual situation prevailing as on date on which, the petitioner Sangam proposed to conduct the Dharna.

6. In view of the above, the petitioner is directed to give a fresh representation to the 2nd and 3rd respondents by fixing a fresh date to conduct a peaceful demonstration by enclosing a copy of this order within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the 2nd and 3rd respondents are directed to consider and pass orders on the same on merits and in accordance with law within a period of one week thereafter.

7. It is made clear that this Court has not expressed any opinion about the merits of the claim made by this Petitioner and it is for the 2nd and 3rd respondents to pass appropriate orders purely on merits on the representation of the petitioner Sangam.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.
msr

-s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Director General of Police,
No.601, Dr. Radhakrishnan Salai,
Mylapore, Chennai 600 004.
 2. The Superintendent of Police,
Krishnagiri District 635 115.
 3. The Inspector of Police,
SIPCOT Police Station,
Hosur, Krishnagiri District.
- + 1 cc to M/s.V.J.Arul Raj Advocate, SR 22874
+ 1 cc to Govt.Pleader, High Court, Madras SR 22890

mp(co)
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