

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.38217 of 2016

A.T.Mani @ A.Thangamani

Secretary,

R.K.Nagar West Division -DMK Party,

(Chennai-North DMK District),

108/24, Sundaram Pillai Nagar,

Vaidyanathan Street, Tondiarpet,

Chennai - 600 081.

... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai, Veppery,
Chennai .

2. The Assistant Commissioner of Police,
Washermanpet Range,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents herein to permit Chennai-North District DMK Political Party to hold Demonstration (Aarpattam) on 03.11.2016 between 11.00 a.m. to 12.00 non in front of Chennai Corporation Zonal Office No.4, at Tondiarpet or at Vaidyanathan Fly-over and Ennore High Road Junction, by considering Petitioner's representation dated 30.10.2016.

For Petitioner : Mr.N.R.Elango,
Sr. Counsel for R.Vivekananthan

For Respondents: Mr.R.Muthukumarasamy
Advocate General
Asst. by Mr.A.N.Thambidurai,
Spl. Government Pleader

ORDER

Heard the learned senior counsel for the petitioner and Mr.R.Muthukumarasamy, learned Advocate General for the respondents, who accepts notice on behalf of the respondents through learned Special Government Pleader and with the consent on either side, the writ petition is taken up for final disposal.

2. This Writ Petition has been filed to direct the respondents herein to permit Chennai-North District DMK Political Party to hold Demonstration (Aarpattam) on 03.11.2016 between 11.00 a.m. to 12.00 noon in front of Chennai Corporation Zonal Office No.4, at Tondiarpet or at Vaidyanathan Fly-over and Ennore High Road Junction, by considering Petitioner's representation dated 30.10.2016.

3. The learned senior counsel for the petitioner submitted that they have given a representation seeking permission to stage their protest to demonstrate a particular problem in a particular area. In spite of their application dated 30.10.2016, their request has not been considered by the respondents. As the demonstration has to take place on 03.11.2016, they have come forward with a mandamus seeking for a direction to pass appropriate orders for their proposed demonstration on 03.11.2016.

4. The learned Advocate General would only contend that though today morning the application of the petitioner was rejected, since the petitioner has filed the present Writ petition, it was kept in abeyance. He would also contend that their intention is not to curb the demonstration proposed by the petitioner and they are willing to permit the petitioner for demonstrating their protest, provided it does not affect the traffic and the public in the local area. Their only contention is that they are prepared to accord permission in a different location.

5. This Court directed both the parties to come forward with a different area which will be convenient for both parties. Ultimately, the Advocate General, upon discussion suggested that the demonstration can be done even in the Tiruvottriyur Bus Stand which would be a suitable place for the petitioner to conduct their demonstration.

6. The main contention of the senior counsel for the petitioner is that they want to demonstrate a particular problem in that particular area and for their protest, they seek police protection. Their request to protest cannot be curtailed or curbed and they have every right to conduct protest and it is for the police to provide adequate police protection for their demonstration.

7. Considering the submissions on either side, the respondents are directed to permit the petitioner to conduct the demonstration on 03.11.2016 at Tiruvottriyur Bus State between 11.00 a.m. and 12.00 noon, subject to the other conditions as imposed by the respondents and provide adequate police protection for the said demonstration. The petitioner

is also permitted to put up a temporary Shamiyana for the said period without any disturbance to the general public for both ingress and egress. It is made clear that after the period is over the same will have to be removed. It is open to the petitioner to seek for an alternative place with a fresh representation for the protest on 03.11.2016 or some other date and the authorities will consider the request of the petitioner for permission and provide adequate police protection in accordance with law.

8. With the above directions, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Commissioner of Police,
Greater Chennai, Veppery,
Chennai .
2. The Assistant Commissioner of Police,
Washermanpet Range,
Chennai.

+lcc to Mr.R. Vivekananthan, Advocate, S.R.No.62710
+lcc to the Government Pleader, S.R.No.62462

RK(CO)
EU(16/11/2016)

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