

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2017

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THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P No.19473 of 2017
and
W.M.P.Nos.21017 to 21019 of 2017

Dravida Munnetra Kazhagam
rep. By Mr.R.Girirajan
(Legal Wing Secretary),
Anna Arivalayam,
Anna Salai,
Teynampet, Chennai.

.. Petitioner

Vs.

- 1.The Director General of Police,
Chennai, Tamil Nadu.
- 2.The Inspector General of Police,
Western Zone,
Coimbatore.
- 3.The Commissioner of Police,
Coimbatore.
- 4.The Assistant Commissioner of Police,
O/o.Joint Commissioner,
Salem.
- 5.The Commissioner of Police,
Salem.
- 6.The Superintendent of Police,
Coimbatore, Rural District.
- 7.The Superintendent of Police,
Salem District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned order dated 26.07.2017 on the file of the Assistant Commissioner of Police, O/o.Joint Commissioner of Police (Law and Order), Salem City viz., fourth respondent and quash the same and consequentially direct the respondents herein to immediately release Mr.M.K.Stalin, Leader of Opposition and Working President of DMK and other DMK Party office bearers and cadres.

For Petitioner :Mr.Shanmugasundaram, Sr.C
for Mr.R.Neelakandan

For Respondents :Mr.Rajarathinam, Public Prosecutor
Assisted by Mr.D.Vairamoorthy,
Special Government Pleader

ORDER

Heard Mr.Shanmugasundaram, learned Senior counsel for the petitioner and Mr.Rajarathinam, learned Public Prosecutor appearing on behalf of the State.

2.The brief facts of the petitioner's case is that when Mr.M.K.Stalin, the leader of the opposition of the Tamil Nadu Legislative Assembly intend to undertake an inspection of the desilting of Kacharayan Lake/Dam on 27.07.2017, he was stopped at Kaniyur Toll plaza which lies within the Coimbatore District

<http://www.judis.nic.in> jurisdictional limit. According to the petitioner, the respondent has

informed them that the detention was made since the petitioner had intended to participate in the 'Human Chain Protest' against NEET which was in contravention to the order of the fourth respondent dated 26.07.2017 rejecting their request for permission to participate in the said Human Chain Protest. According to the learned Senior counsel for the petitioner, the respondents had misused the prohibitory order of the Human Chain Protest to execute arrest and prevent Mr.M.K.Stalin and other local party office bearers from visiting Kacharayan Lake which falls within the Edappadi Constituency of the Hon'ble Chief Minister of Tamil Nadu.

3.Mr.Rajarathinam, learned Public Prosecutor for the State submitted that Mr.M.K.Stalin and other local party office bearers had attempted to participate in the Human Chain Protest at Eddapadi which is in contravention of the prohibitory order and therefore, amounts to initiate to detain them was within their legal power. Furthermore, the learned Public Prosecutor submitted that very shortly after detention, Mr.M.K.Stalin and other local party office bearers were released and hence the prayer sought for in the present writ petition has become infructuous. However since the learned counsel for the petitioner submitted that the respondent police have been consistently adopting the same strategy of refusing permission for a peaceful protest and demonstration and

consequently detaining the demonstrators who indulge in such peaceful participation. An order of interim stay of the impugned order dated 26.07.2017 granted by this Court on 27.07.2017, for the purpose of monitoring the issue to avoid any further violation.

4.It will not be out of place to mention here though the petitioner's claim that Mr.M.K.Stalin and other local party bearers had intend to visit the Eddapadi constituency for inspecting the desilting activity at Kacharayan Lake, there was a subsequent statement from Mr.M.K.Stalin in the media that he was detained by the respondent police when he had attempted to participate in the Human Chain Protest. This statement was strengthened by the attitude of the petitioner who had subsequently filed another writ petition in W.P.No.19639 of 2017 wherein he had sought for a direction forbearing the respondent police from preventing or interfering the visit of Mr.M.K.Stalin to inspect the desilting activities of various water bodies in the State of Tamil Nadu. In view of the fact that the statement has come from the leader of the opposition party of the Tamil Nadu Legislative Assembly, the same cannot be ignored.

5.It is in this background that this Court, with discontention, is constrained to observe that the petitioner has

attempted to convert the High Court into a political platform by filing the present petition with contradictory averments.

6.In view of the fact that Mr.M.K.Stalin and the other party office bearers having been released from the temporary detention, the prayer sought for in the present petition needs no further orders. Accordingly, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

17.08.2017

Index:Yes/No
DP

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M.S.RAMESH.J,

DP



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