

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.No. 24637 of 2018
and W.M.P.No.28672 of 2018

Easwari

... Petitioner

vs.

The Commissioner of Police,
Chennai City,
Chennai- 600 007.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus calling for the records made in Impugned order No.1242/Tha.P.2/2018, dated 06.09.2018 on the file of the respondent herein and quash the same as illegal and direct the respondent to grant permission to hold demonstration on 22.09.2018 at Valluvarkottam, Chennai - 34 or any other place.

For Petitioner : M/s.R.Sankarasubbu

For Respondent : Mrs.M.Prabhavathi

Additional Public Prosecutor

O R D E R

This writ petition has been filed to quash the Impugned order No.1242/Tha.P.2/2018, dated 06.09.2018, passed by the respondent and to direct the respondent to grant permission to hold demonstration on 22.09.2018 at Valluvarkottam, Chennai - 34 or any other place.

2. Heard, the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. The learned counsel for the petitioner has submitted that, the petitioner is an Advocate and a Member of Women Federation of Tamil Nadu and fighting for emancipation of Women. He further submitted that to highlight the atrocities and sexual exploitation of women in all walks of life and seeks gender justice, the petitioner's federation has decided to hold a demonstration on 22.09.2018 and hence a representation was submitted to the respondent seeking permission. The

respondent has rejected the petitioner's representation citing law and order problem and also traffic jam. He further submitted that, since the respondent himself has earmarked the aforesaid place for conducting the demonstration, the respondent cannot deny the right of the petitioner for holding demonstration and hence he requests to set aside the impugned order and direct the respondent to grant permission.

4.The learned Additional Public Prosecutor has submitted that the place which is now sought for holding demonstration is busiest place in the city and heavy traffic is also there. She further submitted that through the face book, the petitioner's federation has sent invitation to number of persons to participate in the said demonstration and hence a huge number of people may participate in the said demonstration and in such a case a law and order problem may arise and hence the respondent has rightly rejected the petitioner's representation.

5.The learned counsel for the petitioner by way of reply has submitted that only 100 persons will participate in the said demonstration and therefore the respondent may be directed to grant permission to the petitioner to hold demonstration.

6.It is an admitted fact that, it is only the respondent who has earmarked the Valluvarkottam, Chennai - 34 as the place for holding demonstration and in such a case, the respondent cannot take a stand that if permission is granted to the petitioner to hold demonstration that it would create law and order problem. It is the duty of the respondent to provide adequate police protection and also regulate the traffic and hence the impugned order passed by the respondent is set aside.

7. The respondent is directed to give permission to the petitioner to hold demonstration on 22.09.2018 at Valluvarkottam, Chennai - 34 by imposing reasonable conditions.

8. Accordingly the writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

gsp

To

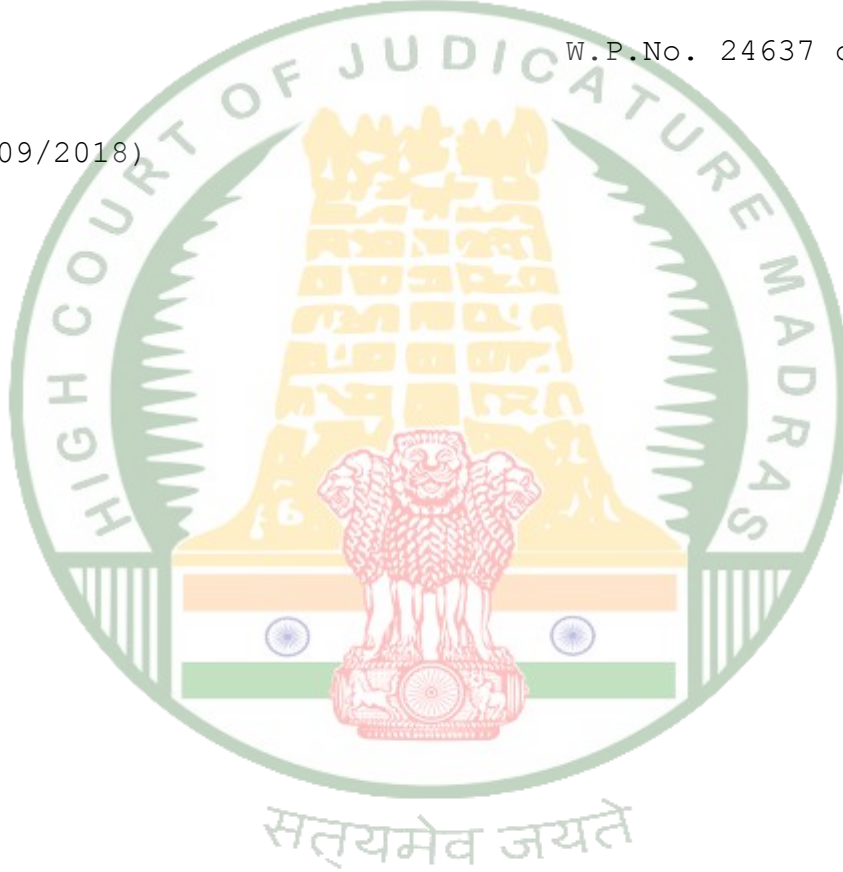
1.The Commissioner of Police,
Chennai City,
Chennai- 600 007.

2.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to M/s.R.Sankarasubbu , Advocate SR.No. 65538

W.P.No. 24637 of 2018

ASK(20/09/2018)



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