

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2018
CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.4487 of 2018

Arappor Iyakkam
Represented by its
Managing Trustee Jayaram Venkatesan,
140A, Rukmini Lakshmipathy Salai,
Egmore, Chennai - 600 008.

.. Petitioner

Vs

1. State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner of Police,
The Greater of Chennai,
Vepery, Chennai - 600 007.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records and quash the order No.287/Tha.Pi.2/2018-1 dated 22.02.2018 and signed on 23.02.2018 issued by the II Respondent and consequently direct the II Respondent to immediately grant permission to the petitioner to conduct a one day fasting protest on 04.03.2018 from 09.00a.m to 05.00 p.m at Valluvar Kottam regarding the failure of the State to implement the Lok Ayuktha Act and the failure of the Central and State Government to take action on the Coal Scam with the use of public address system and to put up a shamiana for the same.

For Petitioner : Mr.D.Nagasaila

For Respondents : Mr.D.Raja

Additional Government Pleader

O R D E R

The prayer sought for in the present petition is to call for the records and quash the order No.287/Tha.Pi.2/2018-1 dated 22.02.2018 and signed on 23.02.2018 issued by the II Respondent and consequently direct the II Respondent to immediately grant permission to the petitioner to conduct a one day fasting protest on 04.03.2018 from 09.00 a.m to 05.00 p.m at Valluvar

Kottam regarding the failure of the State to implement the Lok Ayuktha Act and the failure of the Central and State Governments to take action on the Coal Scam with the use of public address system and to put up a shamiana for the same.

2. The order impugned in the present petition is the rejection of the petitioner's request to have a one day fast scheduled on 04.03.2018 from 09.00 a.m to 05.00 p.m at Valluvar Kottam, Chennai. The agenda of the said one day fast is to implement the Lok Ayuktha Act and the failure of the Central and State Government to take action on the Coal Scam.

3. The learned Additional Government Pleader submitted that insofar as the issue with regard to the Coal Scam is concerned, the same has been under investigation and as such, a parallel protest may not be warranted. Likewise, he would also submit that the implementation of the Lok Ayuktha Act is under consideration and hence the petitioner is not justified in seeking for protest.

4. In my view, so long as the protest is peaceful and does not affect the general public, the respondents may not be justified in rejecting the petitioner's request. Likewise, pendency of investigation or implementation of the Act being under consideration also will not preclude the petitioner from holding such a protest, which is a fundamental right subject to reasonable restrictions. Moreover, the place in which the petitioner intends to hold the protest is earmarked place permissible by the Government for such protest.

5. Under such circumstances, the petitioner is directed to approach the Inspector of Police, Nungambakkam seeking for permission to conduct the one day fast scheduled between 09.00 a.m and 5.00 p.m on 04.03.2018 at Valluvar Kottam, Chennai and on receipt of such request, the concerned police shall grant permission for the said one day fast forthwith. While granting such permission, the concerned police official shall be at liberty to impose reasonable restrictions to regulate the protest. The learned Additional Government Pleader is directed to inform the Inspector of Police, Nungambakkam with regard to the permission granted by this Court today.

6. With the above observations and directions, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
 2. The Commissioner of Police,
The Greater of Chennai,
Vepery, Chennai - 600 007.
 3. The Inspector of Police, Nungambakkam.
 4. The Additional Government Pleader, High Court Madras.
- +1cc to Mr.D.Nagasaila, Advocate, S.R.No.16383

WP.No.4487 of 2018

GJII(CO)
RRK(02/03/2018)



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