



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.04.2018
CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P. (MD) .No.8417 of 2018

Kaliappan @ Ramadoss

: Petitioner

Vs.

1. The Deputy Inspector General Police,
O/o.Deputy Inspector General of Police Office,
Tanjavore Region.

2. The Superintendent of Police,
O/o.The Superintendent of Police,
Tanjavore District.

3. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Tanjavore District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in proceedings No.88/SDO/TYR/18, dated 13.04.2018 on the file of the 3rd respondent and quash the same as illegal and consequently, direct the 1st respondent to grant permission for Campaign programme about the TAMILNAD'S RIGHT ON CAUVERY RIVER from Kallanai to Poombukar across Tanjavore, Thiruvavarur and Nagapattinam districts from 21.04.2018 to 05.05.2018.

For Petitioner

: Mr.S.Vanchinathan for
Mr.R.Ganesh Prabu

For Respondents

: Mr.K.Chellapandian, Assisted by
Mr.R.Sethuraman,
Special Government Pleader

O R D E R

[Order of the Court was made by **C.T.SELVAM, J.**]

By way of the present writ petition, the petitioner, who is serving as the State Treasurer in "Makkal Athikaram" Organization, seeks to quash the impugned order dated 13.04.2018 passed by the third respondent, based on his proceedings No.88/SFO/TYR/18 and



consequently direct the 1st respondent to grant permission for Campaign programme about the TAMILNAD'S RIGHT ON CAUVERY RIVER from Kallanai to Poombukar across Tanjavore, Thiruvarur and Nagapattinam districts from 21.04.2018 to 05.05.2018.

2. Heard Mr.S.Vanchinathan for Mr.R.Ganesh Prabu, learned counsel appearing for the petitioner and Mr.K.Chellapandian, learned Additional Advocate General, Assisted by Mr.R.Sethuraman, learned Special Government Pleader appearing for the respondents.

3.A perusal of the communication dated 13.04.2018, reveals that the permission sought by the petitioner has been refused as there is likelihood of a law and order problem. The Hon'ble Supreme Court in the case of RAMLILA MAIDAN INCIDENT VS. HOME SECRETARY, UNION OF INDIA AND OTHERS, reported in (2012) 5 SCC 1, held as follows:

"Freedom of speech, right to assemble and demonstrate by holding dharnas and peaceful agitations are the basic features of a democratic system. The people of a democratic country like ours have a right to raise their voice against the decisions and actions of the Government or even to express their resentment over the actions of the Government on any subject of social or national importance. The Government has to respect and in fact, encourage exercise of such rights. It is the abundant duty of the State to aid the exercise of the right to freedom of speech as understood in its comprehensive sense and not to throttle or frustrate exercise of such rights by exercising its executive or legislative powers and passing orders or taking action in that direction in the name of reasonable restrictions. The preventive steps should be founded on actual and prominent threat endangering public order and tranquility, as it may disturb the social order. This delegated power vested in the State has to be exercised with great caution and free from arbitrariness. It must serve the ends of the constitutional rights rather than to subvert them"

Further, it has been repeatedly held that right enunciated under Article 19 of the Constitution of India cannot be stifled by informing the possibility of a law and order problem.

4.Given the constitutional right, this Court is unable to accept the submission of learned Additional Advocate General that the petitioner's Organization may be required to revise the campaign by assembling at District Headquarters, although such



5. Recording the undertaking of learned counsel for the petitioner that the total number of persons involved in the informed activities of the petitioner shall not exceed 30 and further that the same shall not extend beyond 7.00 a.m to 11.00 a.m., and 4.00 p.m., to 7.00 p.m., between 21.04.2018 and 30.04.2018, there shall be a direction to the first respondent to grant permission to the petitioner for Campaign programme about the TAMILNAD'S RIGHT ON CAUVERY RIVER from Kallanai to Poombukar across Tanjavore, Thiruvarur and Nagapattinam districts. The petitioner's Organization shall so conduct itself as would not cause any law and order problem or hindrance to regular and general flow of traffic.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Inspector General Police,
O/o. Deputy Inspector General of Police Office,
Tanjavore Region.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
Tanjavore District.
3. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Tanjavore District.

+1cc to MR.R.GANESH PRABU, Advocate SR.No.61880

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.62200

NS

MK/SV MMS/SAR-3/19.04.2018/3P/6C

ORDER MADE IN
W.P. (MD) .No.8417 of 2018
18.04.2018