

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

WP No.34634 of 2018 and WMP No.40156 of 2018

D.K.Rajendran

...Petitioner

-Vs-

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Dharmapuri District, Dharmapuri - 636 705
2. The Deputy Superintendent of Police,
Palacode Range, Dharmapuri District.
3. The Inspector of Police,
Palacode Town Police Station,
Palacode Taluk, Dharmapuri District.

...Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents to grant permission to organize and conduct protest demonstration around 11am on 03.01.2019 near the M.G.R.Statue at Palacode Town Bus stand, Palacode Taluk, Dharmapuri District as sought for by the petitioner vide his letter / application dated 16.12.2018 submitted in person to the Respondents and also sent by Registered Post with Acknowledgement due on 17.12.2018.

For Petitioner : Mr.Arun Anbumani

For Respondents : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This writ petition has been filed for a direction to the respondent police to grant permission to organize and to conduct protest demonstration near the M.G.R.Statue at Palacode Town Bus Stand, Dharmapuri District.

2. The petitioner is the District Secretary of Amma Makkal Munnetra Kazhagam (AMMK) party, Dharmapuri District. The party resolved to conduct a protest demonstration to show their opposition to the State Government in implementing certain projects. The protest was planned to be conducted near the Palacode Town Bus stand on 03.01.2019. A representation was also given in this regard to the 1st respondent on 16.12.2018. Since the same was not considered, the present writ petition has been filed before this Court for the above said relief.

3. The learned Additional Public Prosecutor on instructions would submit that the place, where the permission has been sought for, to conduct the protest demonstration is not feasible, since it will cause a lot of disturbance to the general public and this place is not allotted to any party to conduct such demonstration. The learned counsel would further submit that the petitioner can suggest any other alternative place and make a representation to the respondent police and the same will be considered in accordance with law.

4. The learned counsel for the petitioner submitted that the petitioner will conduct the demonstration at Palacode Bus Stand. The learned counsel would submit that other political parties have been given permission to conduct meetings and demonstrations in the said place and the AMMK party cannot be singled out and they cannot be denied the permission. The learned counsel would further submit that the respondent police has not acted on the representation made by the petitioner, only due to political consideration.

5. On the alternative place suggested by the petitioner, the learned Additional Public Prosecutor after obtaining instructions from the respondent police submitted that the petitioner can give a fresh representation by suggesting the Venue and also the time during which the protest demonstration is going to be conducted. On receipt of the representation, the respondent police will consider the same and pass suitable orders.

6. The learned counsel for the petitioner submitted that in view of the paucity of time, the petitioner has now decided to conduct the demonstration on 10.01.2018 between 11 am and 1 pm at Palacode Bus Stand.

7. It is seen from the records that the place, where the demonstration is planned to be conducted, is a regular place where other political parties have been permitted to conduct meetings and demonstrations. Therefore, there cannot be any serious objection with regard to the Venue in which the demonstration is planned to be conducted. The petitioner is directed to give a fresh representation to the 3rd respondent

seeking for permission to conduct demonstration on 10.01.2018 between 11 am and 1 pm at Palacode Bus Stand. The 3rd respondent on receipt of the representation, shall grant permission to the petitioner to organize and conduct demonstration. The petitioner while making the representation shall also give a specific undertaking that the petitioner and the party members will not indulge in any violent activities and they will abide by any reasonable conditions that may be imposed by the 3rd respondent for conducting the demonstration. The 3rd respondent shall ensure that the demonstration goes on peacefully without giving raise to any law and order problem.

8. Accordingly, the Writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Dharmapuri District, Dharmapuri - 636 705
2. The Deputy Superintendent of Police,
Palacode Range, Dharmapuri District.
3. The Inspector of Police,
Palacode Town Police Station,
Palacode Taluk, Dharmapuri District.

+lcc to Mr.Arun Anbumani, Advocate, S.R.No.327

+lcc to the Public Prosecutor, S.R.No.545

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CS/04/01/2019