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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.31683 of 2018 and WMP No.36931/18

Lake Area Residents Association,
Rep. by its President, No.10,
7th Street, Lake Area, Nungambakkam,
Chennai-34.

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Home Department, Fort St. George,
Secretariat, Chennai-9.
2. Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai - 7.
3. Joint Commissioner of Police (East),
Egmore High Road, Egmore,
Chennai - 8.
4. Deputy Commissioner of Police,
Traffic (East), D-2 Police Station,
Anna Salai, Chennai-2.
5. Commissioner
Greater Chennai Corporation,
Ripon Building, Chennai-3.
6. Assistant Commissioner,
Greater Chennai Corporation,
Zone-9, Lake Area 4th Street,
Nungambakkam, Chennai-34.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the area near Valluvar Kottam from



the list of approved places for conducting Fasts/Dharnas and Protests.

For the Petitioner

: Mr.Adithya Reddy

For the Respondents

: Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 4

Mr.R.Gopinath,
for respondents 5 and 6

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petition is by a residents' association of the Lake Area in Nungambakkam.

2. The petitioner association's grievance is that a particular place has been earmarked for public gatherings but the experience of the local residents is quite harrowing as the roads are completely blocked and access to individual buildings, even on foot, is impeded, leave alone vehicular access. The petitioner association makes it a point that this petition does not pertain to complaints on hygiene or crowd or noise pollution or even visual pollution, the petitioner association's only concern is that the local residents should have unrestricted ingress to and egress from their properties and large gatherings of the kind complained of do not always leave room even for such minor facilities.

3. It appears that petitioner association has made representations to some of the authorities but the representations have not been taken up for consideration.

4. Mr.P.Muthukumar, learned Government Pleader appears for respondents 1 to 4. Mr.R.Gopinath, appears for the other two respondents who are officials of the Greater Chennai Corporation.

5. It would be appropriate to request the Commissioner of Police, Chennai, to consider the petitioner's representation and take a decision on the matter. Accordingly, W.P.No.31683 of 2018 is disposed of by permitting the petitioner body or any group of the local residents to carry a fresh, detailed representation to the Commissioner of Police, Chennai within the next four weeks, whereupon the Commissioner will consider the matter in appropriate perspective and, give an opportunity of hearing to any representative, if felt necessary, before furnishing his



speaking order within eight weeks of the receipt of the written representation.

6. It is made clear that nothing in this order should influence the Commissioner either way and the decision has to be taken in public interest and also keeping the interest of the local residents in mind.

7. W.M.P.No.36931 of 2018 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Principal Secretary to Government
State of Tamil Nadu,
Home Department, Fort St. George,
Secretariat, Chennai-9.
2. Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai - 7.
3. Joint Commissioner of Police (East),
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4. Deputy Commissioner of Police,
Traffic (East), D-2 Police Station,
Anna Salai, Chennai-2.
5. Commissioner
Greater Chennai Corporation,
Ripon Building, Chennai-3.



6. Assistant Commissioner,
Greater Chennai Corporation,
Zone-9, Lake Area 4th Street,
Nungambakkam, Chennai-34.

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+1CC to Mr.Adithya Reddy, Advocate, Sr.No.45448
+1CC to Mr.R.Gopinath, Advocate, Sr.No.45440
+1cc to Government Pleader SR.No.45501(26.05.2022)

W.P.No.31683 of 2018

KSM (CO)
K.RK. (14.09.2021)