



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.9274 of 2022

A.Arunkumar

... Petitioner in person

Vs.

1.The Engineer-in-Chief(Buildings)
Public Works Department
PWD Estate, Chepauk, Chennai 600 005

2.The Executive Engineer
Public Works Department
PWD Estate, Chepauk,
Chennai 600 005.

3.The Commissioner of Police
Greater Chennai Corporation
Vepery, Chennai 600 007.

4.The Deputy Commissioner of Police
Mylapore Police Station
Chennai 600 004.

5.The Assistant Commissioner of Police
E-1, Mylapore Police Station
Chennai 600 004.

6.The Inspector of Police
(Law and Order)
E5, Pattinambakkam Police Station,
Pattinambakkam, Chennai 600 028.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus, directing the respondents more particularly the 3rd respondent to consider Petitioner's representation dated 27.03.2022 for granting permission and adequate police protection for founder and state President Shri.Arjun Sampath along with 25 members Indu Makkal Katchi Tamilnadu on 14.04.2022 the 131th Birthday Anniversary Annal Dr.Ambedkar to garland the statue to Annal Dr.Ambedkar situated at Ambedkar Memorial Hall, Raja Annamalaipuram, Chennai 600 028 on 14.04.2022 at 3 P.M. To 4.P.M



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For Petitioner : Mr.A.Arunkumar
Party-in-person

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This writ petition has been filed for issuance of writ of mandamus to direct the respondents more particularly the third respondent to consider the petitioner's representation dated 27.03.2022 for granting permission and adequate police protection for founder and state president Shri.Arjun Sampath along with 25 members Indu Makkal Katchi Tamilnadu on 14.04.2022 the 131st Birth day Anniversary Annal Dr.Ambedkar to garland the statue to Annal Dr.Ambedkar situated at Ambedkar Memorial Hall, Raja Annamalaipuram, Chennai 600 028 on 14.04.2022 at 3p.m., to 4.p.m.

2.The case of the petitioner - party in person is that he is a practising Advocate in Madras High Court, Social Worker and President for Chennai North Zone Advocates Wing of the Indu Makkal Katchi (Tamilnadu). The petitioner along with his party members had intended to celebrate 131st birthday of Annal Dr.Ambedkar by garlanding his statue installed at Dr.Ambedkar Memorial Hall, Raja Annamalaipuram, Chennai, on 14.04.2021. During last year, when the petitioner and his party members had gone to garland the statue, they were intercepted by cadres belonging to Vidhuthalai Siruthai Katchi and Bahujan Samaj Party and there was a ruckus.

3. The further case of the petitioner is that the petitioner and his party members, in order to avoid such a situation, had intended to go to the venue by 03.00 p.m., to 04.00 p.m., and thereby, the petitioner-Party-in-person sought for providing police protection, by his representation dated 27.03.2022. Since the respondents have not granted the permission, the petitioner has come up before this Court seeking for a direction.

4.Per contra, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor, appearing for the respondents would submit that last year, when the petitioner - party in person along with his associates had gone to garland the statue, they had created unnecessary and unwanted problems by attempting to raise slogams/slogans and they also attempted to cloth the Dr.Ambedkar statue with Saffron Dothi, Sandal Thilagam, Kum Kum and Vibuthi and thereby, there was a dispute between cadres belonging to the other parties in respect of which a case in Crime No.93/2021 was registered on 14.04.2021 for the offences under Sections 294(b),



147, 341, 153 & 506(i) of IPC. He would further submit that the respondents, apprehending that similar situation may arise if permission is granted, have not considered the representation of the petitioner.

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5. At this juncture, the petitioner - party in person would submit that he is a responsible person in the society as well as a responsible Member of the Bar and that he is entitled to give his respect to Annal Dr. Ambedkar and therefore, he has intended to go along with restricted 25 named persons and their party leader. He would further submit that all of them are responsible persons and they are ready to give any undertaking.

6. The petitioner- party in person submitted that he has filed an Affidavit of Undertaking before this Court undertaking to follow the instructions given by the Police and the petitioner and his party members are also ready to assemble one hour in advance at the office of the sixth respondent and to furnish all their identity and they are also prepared to travel to the venue in the vehicle provided by the respondent police.

7. Heard the Petitioner-Party-in-person and the learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

8. It is seen that the petitioner - party in person, as a member of a political party had intended to garland the statue of the Annal Dr. Ambedkar's auspicious 131th Birthday celebration. However, it is the apprehension of the respondents that like last year, the petitioner along with his party members would create unnecessary problems thereby, resulting in breach of law and order situation and peace. Now, the petitioner-party in person has filed an affidavit of undertaking and he has also agreed to abide by any condition that may be imposed by the respondent police. The relevant portion of the undertaking is extracted hereunder:

1. I am the president of Chennai North Zone Advocates Wing Indu Makkal katchi-Tamilnadu, No.1/1, 21st Cross street, Venkateshwara Nagar, Ramapuram, Chennai-600 089.

2. I state that we have filed the above Writ Petition No.9274 of 2022 praying this Hon'ble Court to issue a WRIT OF MANDAMUS or any other appropriate writ, order or direction in the nature of a writ, directing the respondents more particularly the 3rd respondent to consider my representation dated 27.03.2022 for granting permission and adequate police protection for founder and state President Shri. Arjun Sampath along with 25 members Indu Makkal Katchi Tamilnadu on 14.04.2022 the 131th Birthday Anniversary



Annal Dr.Ambedkar to garland the statue to Annal Dr.Ambedkar situated at Ambedkar Memorial Hall, Raja Annamalaipuram, Chennai 600 028 on 14.04.2022 at 4 P.M. To 4.30P.M.

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3. In this connection, I undertake as follows:

While garlanding (flowers made of garland) the statue to annal Dr.Ambedkar situated at Ambedkar Memorial Hall, Raja Annamalaipuram, Chennai 600 028 on 14.04.2022 between 4 PM and 4.30 PM

a) We undertake not raise any slogan/s and speech against anyone

b) We undertake not play any instrument

c) We undertake not cause any hindrance to the traffic or general public.

d) We undertake not wear "Kavi Dhoti" or Sandal Thilagam or Kum Kum or Vibuthi to the Annal Ambedkar Statue.

4. We undertake that in lieu of garlanding Annal Dr.Ambedkar Statue, Shri Sampath along with 25 members belonging to Indu Makkal Katchi, who are wearing ID cards, agree to travel through police vehicle/s. The details of the members and their designation are as follows:

Shri ARJUN SAMPATH

Along with

(1) Mr.Senthil Kumar-State General Secretary

(2) Mr.Anand-State Secretary

(3) Mr.S.Parthasarathy-State Joint Secretary

(4) Mr.Parasuram Guruji-State President, Spiritual Wing.

(5) Mr.Shakthivel-State Secretary Organising

(6) Mr.Kannan-President Chennai Manager

(7) Mr.Mohan-State Secretary, SC Wing & President Tiruvallur Mandal

(8) Mr.Kanniappan-General Secretary, Chennai Manager

(9) Mr.Magesh- Secretary ,Chennai Manager

(10) Mr.Saravanan Chandran-Vice President, Chennai Manager

(11) Mr.A.Arunkumar, President, Chennai North Zone Advocates Wing.

(12) Mrs.Punitha-President, Kanchi Mandal

(13) Mr.B.Janardhan-Chennai Organisational Secretary(Media Division)

(14) Mr.Keertheeswaran-President South Chennai (SCWing)



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- (15) Mr. Gunaseelan - Secretary South Chennai District (SC Wing)
- (16) Mr. M. Anbalazhagan - President, Chennai South District
- (17) Mr. Basker - President, Central Chennai & Chennai Managar (SC Wing)
- (18) Mr. Srinivasan - President, South Chennai District
- (19) Mr. Murugan - Vice President, South Chennai District
- (20) Mr. K. Mohan - President, North Chennai (East) District
- (21) Mr. D. A. Mahendran - Secretary, North Chennai (East) District (Media Division)
- (22) Mr. M. A. Murugan - General Secretary, North Chennai (East) District.
- (23) Mr. Saravanan - Treasurer, North Chennai (East District)
- (24) Mr. Kamal - Executive Committee Member North Chennai (East District)
- (25) Mr. A. Ashok Kumar - Joint Secretary, North Chennai (East) District.

I declare and undertake that we will abide by any condition imposed on us by this Hon'ble Court and pray that this Court may be pleased to pass order as prayed for in the writ petition."

9. The petitioner - party in person would submit that though permission is sought for 03.00 p.m., - 04.00 p.m., they are ready to go between 04.00 p.m to 05.00 p.m., to the venue and he would only pray that the leader of the party may be taken in a separate police vehicle.

10. The Petitioner, as a member of an organisation, is entitled to pay his respects to the great leader. He has also given necessary undertaking to abide by any condition and he has also filed an Affidavit of Undertaking. So long as the petitioner and his party members' intentions are genuine, they can be permitted to pay their respects.

11. In view of the above, this Court is of the opinion that taking into consideration of the undertaking given by the petitioner, the respondent may be directed to give police protection.

12. This writ petition stands allowed on the terms of undertaking given above. The respondent shall accord permission in terms of the Affidavit of Undertaking. It is made clear the petitioner and his associates shall strictly comply with the Affidavit of Undertaking. There shall not be crowding of party cadres near the police station or at the venue other than the



persons stated in the Affidavit. The respondents shall videograph the entire process. In the event of breach of any of the above undertaking given by the petitioner, the respondents are entitled to take appropriate action in accordance with law. The Affidavit of Undertaking given by the petitioner, party-in-person shall form part of Court records. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dua/nr
To

- 1.The Engineer-in-Chief(Buildings)
Public Works Department
PWD Estate, Chepauk, Chennai 600 005.
- 2.The Executive Engineer
Public Works Department
PWD Estate, Chepauk,
Chennai 600 005.
- 3.The Commissioner of Police
Greater Chennai Corporation
Vepery, Chennai 600 007.
- 4.The Deputy Commissioner of Police
Mylapore Police Station
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- 5.The Assistant Commissioner of Police
E-1, Mylapore Police Station
Chennai 600 004.
- 6.The Inspector of Police
(Law and Order)
E5, Pattinambakkam Police Station,
Pattinambakkam, Chennai 600 028.
7. The Public Prosecutor,
High Court of Madras.

+2cc to Mr.A.Arunkumar, Advocate Sr.25390

W.P.No.9274 of 2022

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srg 13/04/2022