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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.15621 of 2022

P.Benjamin

... Petitioner

Vs.

1. The Director General of Police,
State of Tamil Nadu,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
2. The Commissioner of Police,
Avadi Commissionerate,
Avadi, Chennai - 54.
3. The Deputy Commissioner of Police,
Avadi, Chennai - 54.
4. The Inspector of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu, Chennai - 600 077.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the respondents to consider the petitioner's representation dated 07.06.2022 and 15.06.2022 for granting of Police Protection/ Bandobust to Executive Council Meeting and General Council Meeting of the AIADMK Party to be held at 10 AM on 23.06.2022 at "Sri Vari Venkatachalapahy Kalyana Mandapam" Vanagaram under the Jurisdiction of the 4th respondent.

For Petitioner : Mr.Vijay Narayan, Senior Counsel
for Mr.K.Gowtham Kumar

For Respondents: Mr.Hasan Mohamed Jinnah
State Public Prosecutor
Assisted by Mr.A.Gokulakrishnan
Additional Public Prosecutor



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For Intervenor : Mr.P.H.Arvinth Pandian, Senior Counsel
for Mrs.P.Rajalakshmi
for Mr.O.Paneer Selvam (Intervenor),
Coordinator, AIADMK

O R D E R

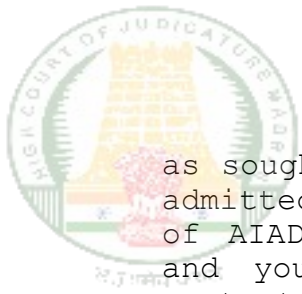
This Writ Petition has been filed seeking to direct the respondents to consider the petitioner's representation dated 07.06.2022 and 15.06.2022 for granting of Police Protection/ Bandobust to Executive Council Meeting and General Council Meeting of the AIADMK Party to be held at 10 AM on 23.06.2022 at "Sri Vari Venkatachalapahy Kalyana Mandapam" Vanagaram under the Jurisdiction of the 4th respondent.

2. Mr.Vijay Narayan, learned Senior Counsel appearing for the Petitioner submitted that it is the main grievance of the petitioner that despite the representations dated 07.06.2022 and 15.06.2022 made by the petitioner, the respondent police has not issued any order in this regard. Therefore, it is the contention of the learned senior counsel for the petitioner that as the Executive Council and General Council Meeting is fixed on 23.06.2022, they are anticipating some untoward incident. Therefore, he prays that a direction may be issued to the police to give necessary protection to the above said meeting.

3. Mr.Hasan Mohamed Jinnah, learned State Public Prosecutor submitted that they have sought certain clarification raising 31 queries in respect of the political party's Executive Council and General Council Meeting. If all the particulars have been given, they will issue necessary police protection and he also fairly submitted that they may not require the Agenda of the meeting, whereas the other particulars are required for giving proper protection.

4. Mr.P.H.Arvinth Pandian, learned Senior Counsel appearing on behalf of the Mr.O.Paneer Selvam (Intervenor), Coordinator of the said political party submitted that the person who filed this petition has not been authorized by the Council or by law. Therefore, this Writ Petition is not maintainable. He has also submitted that the intervenor has also given representation to the police not to grant police protection. Therefore, it is his submission that police has to decide whether or not such protection to be given.

5. At the outset, this Court is of the view that the dispute between the Coordinator and the Joint Coordinator of the said political party is not Germane for consideration before this Court. Mere internal dispute between them cannot be decided here, only question arises is whether there can be a direction



as sought by the petitioner in the writ petition. Petitioner is admittedly District Secretary of Tiruvallur District and member of AIADMK and former Minister for School Education and Sports and youth welfare. Therefore being member of AIADMK seeking protection is well within its rights. Therefore, the contention that he has no right to seek protection cannot be countenanced.

6. On perusal of records and submissions from both sides, it is clear that Executive Council and General Council Meeting is fixed on 23.06.2022, whereas one fraction of the same party not in favour of such meeting. This Court is of the view that mere calling of the meeting cannot be stalled by other fraction. Ultimately, only General Council will take decision. The respondent has also sought certain details to ensure proper security.

7. In such view of the matter, now primary concern of this Court would be whether there should be a direction to the police. As the respondents sought certain clarifications, this Court is of the view that the petitioner should provide the details as sought by respondents today itself. On obtaining such details, the respondents should ensure that proper protection will be given for the venue, where the Executive Council and General Council Meeting is to be held.

8. It is the duty of the State to provide necessary protection and prevent any untoward incidents in the form of violence. It is open to the respondents to put Barricade, to have the proper checking machineries to prevent the persons carrying any weapons inside the meeting hall. It is made clear that the persons, who are invited to appear for the Executive Council and General Council Meeting should be given proper Identity Cards and only the persons, who are carrying Identity cards and invitation alone will be allowed inside the premises.

9. At this juncture, learned Senior Counsel appearing for the petitioner submitted that vehicle passes have also been issued to all the vehicles.

10. With the above directions, this Writ Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgi/ham



To

1. The Director General of Police,
State of Tamil Nadu,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
2. The Commissioner of Police,
Avadi Commissionerate,
Avadi, Chennai - 54.
3. The Deputy Commissioner of Police,
Avadi, Chennai - 54.
4. The Inspector of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu, Chennai - 600 077.
5. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.Gowtham Kumar, Advocate, S.R.No.37775

W.P. No.15621 of 2022

CA(CO)
SB(21/06/2022)