



W.P.No.25566 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.25566 of 2022

and

W.M.P.Nos.24551, 24554 & 24556 of 2022

S.Kalyani

... Petitioner

Vs.

1.The Inspector General of Police,
West Zone,
Coimbatore.

2.The Commissioner of Police,
Coimbatore.

3.The Superintendent of Police,
Coimbatore District,
Coimbatore.

4. The Deputy Superintendent of Police,
Valparai Division,
Anaimalai,
Coimbatore District.

5.The Inspector of Police,
Valparai Police Station,
Valparai,
Coimbatore District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of order in Na.Ka.39/Vaa.Vu/2022 dated 08.09.2022 on the file of fourth respondent and quash the same and consequently direct the respondents 1 to 5 to grant permission and protection to the petitioner and his co workers to conduct procession from 23.09.2022 to 26.09.2022 by walking with 25 workers from Valparai to Coimbatore in a peaceful way and allow them to use mike set on their way in order to express their grievance to draw the attention of Government Authorities and public.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor.

ORDER

This Writ petition has been filed to quash the proceedings in Na.Ka.39/Vaa.Vu/2022 dated 08.09.2022 on the file of fourth respondent and direct the respondents 1 to 5 to grant permission and protection to the petitioner and his co workers to conduct procession from 23.09.2022 to 26.09.2022 by walking with 25 workers from Valparai to Coimbatore in a peaceful way and allow them to use mike set on their way in order to express their grievance to draw the attention of Government Authorities and public.



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2.The learned Counsel appearing for the petitioner submitted that the petitioner is the president of Valparai Thiravida Thotta Thozhilalar Munnetra Sangam. The main object of Valparai Thiravida Thotta Thzohilalar Munnetra Sangam is to fight for right and work for welfare of workers, who are involved in plantation employment. He would submit that the Government of Tamil Nadu revised the minimum wages of workers from Rs.345 to Rs.425.40 vide a draft notification in G.O.(D).No.330 dated 30.07.2021 of Labour Welfare and Skill Development (J-1) Department. However, the Government has not come forward to implement the same by issuing a final order. Therefore, in order to draw the attention of Government Authorities with regard to the workers' issue, the workers are decided to conduct a procession by walking with 25 workers from Valparai to Coimbatore in a peaceful way. Therefore, the petitioner gave a representation to the respondents 2 to 5 with regard to give police protection to conduct the procession. However, the fourth respondent rejected the representation by an order dated 28.09.2022 in Na.Ka.39/Vaa.Vu/2022 stating that the procession will create law and order problem. Hence, the present petition has been filed.

3.The learned Government Advocate (crl.side) submitted that the petitioner gave representation to the respondents with regard to provide police



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protection to conduct procession from 23.09.2022 to 26.09.2022 by walking with 25 workers from Valparai to Coimbatore in a peaceful way. But, the petitioner did not give the particulars with regard to procession i.e., the routes and how many persons are going to involve in the procession, therefore, the fourth respondent rejected the representation and passed an order dated 08.09.2022 in Na.Ka.39/Vaa.Vu/2022. Further, the dates requested by the petitioner i.e., from 23.09.2022 to 26.09.2022 have become infructuous now. Therefore, if any fresh representation is given with particulars of persons and routes, they are ready to consider the representation of the petitioner.

4. In reply, learned counsel for the petitioner would submit that the petitioner gave another representation dated 12.10.2022 before the second and third respondents and also produced the particulars of persons and routes with regard to conduct procession on 28.10.2022.

5. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondents.

6. It is brought to the notice of this Court that the Director General of Police, Tamil Nadu, Chennai, had issued a circular memorandum in



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Rc.007301/Genl.I(1)/2019, dated 09.04.2019, along with instructions to the

Inspectors of Police throughout Tamil Nadu for consideration of applications seeking permission for conducting procession. Therefore, in view of the detailed circular and guidelines issued by the Director General of Police, the respondent police is hereby directed to consider the representation of the petitioner, dated 12.10.2022 and pass suitable orders based on the above said circular, within a period of one week from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

14.10.2022

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

shk

V.SIVAGNANAM, J.

shk



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To

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2.The Commissioner of Police,
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4. The Deputy Superintendent of Police,
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