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Cont.P.No.2351 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.11.2022

PRONOUNCED ON: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Cont.P.No.2351 of 2022

and

Sub Appl.No.627 of 2022

S.Kalyani

...
/vs/

Petitioner

1.V.Bala Krishnan, I.P.S.

The Commissioner of Police,
Coimbatore.

2.V.Badrinarayanan, I.P.S.

The Superintendent of Police,
Coimbatore District,
Coimbatore.

...

Respondents

Prayer : Contempt Petition has been filed under Section 11 of the Contempt of Courts Act to punish the respondents for willful disobedience of the order made in W.P.No.25566 of 2022 dated 14.10.2022.

For Petitioner

...

Mr.N.Ponraj

For Respondents

...

Mr.E.Raj Thilak,
Additional Public Prosecutor



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ORDER

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This contempt petition has been filed to punish the respondents for willful disobedience of the order made in W.P.No.25566 of 2022 dated 14.10.2022.

2.The learned counsel for the petitioner submits that the petitioner is the President of Valparai Thiravida Thotta Thozhilalar Munnetra Sangam and the Government revised the minimum wages from Rs.345/- to 425.40 by its notification in G.O.(D).No.330 dated 30.07.2021 of Labour Welfare and Skill Development (J-1) Department, but the Government failed to implement the same. Therefore, in order to draw the attention of Government Authorities to their issue, decided to conduct a procession by walking from Valparai to Coimbatore and to hand over their representation expressing their grievances signed by thousands of workers to the Collector. Hence, seeking permission from the respondents 1 & 2, they gave representations dated 07.09.2022 and 08.09.2022 for conducting procession but the Inspector of Police, Valparai Police Station rejected their request by an order in Na.Ka.No.3/Vaa.Vu/2022 dated 08.09.2022. Hence,



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filed a Writ petition No.25566/2022 seeking to quash the order passed by the Inspector of Police, Valparai and to grant permission for procession.

However, they gave another representation dated 12.10.2022 seeking permission for conducting procession from 28.10.2022 to 31.10.2022. This Court on 14.10.2022, while disposing the W.P.No.25566 of 2022, passed the following order:

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



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3.In pursuance of the Court order dated 14.10.2022, the petitioner from 19.10.2022 has been requesting the respondent police to comply with the order of this Court. Further, the petitioner on 20.10.2022 sent a request through RPAD along with the online order copy but the respondent police did not grant permission based upon the petitioner's representation dated 12.10.2022. Hence, filed this contempt petition to punish them for willful disobedience.

4.The learned Additional Public Prosecutor appearing for the respondents filed a counter and submits that this contempt petition is not maintainable and he stated in the counter that the route of procession requested by the petitioner is through the thick forest of Anamalai Forest Range, which is thickly populated with wild animals and it is not safe for men to walk through such thick forest. In para – 5 of the counter, the relevant portion is as follows:

***“5.. . . .it is respectfully submitted that as the law
and order situation in Coimbatore District after the ban of***



the PFI is not that favorable for allowing any kind of procession, and as the route of the procession requested by the petitioner is through the thick forest of Anamalai Forest Range, which is thickly populated with wild animals and it is not safe for men to walk through such thick forest and further there are eleven Police Stations in the route of the procession and distance to be crossed in the procession is around 105 kilometers and providing bandobust to the participants throughout the procession is not possible as major force of the Police is deployed in the maintenance of the public order in the Coimbatore District after the car bomb blast that took place at Coimbatore on 23.10.2022 and for the reasons stated above the requisition by the Petitioner is duly rejected by the order of the Deputy Superintendent of Police, Valparai, Sub division, Coimbatore District, referred above. Further, it is submitted that the roads of the Coimbatore District are busy with heavy traffic and allowing the petitioner to conduct a procession will result in the hardship to the common public. Further, it is submitted that the proposed procession route passes via National Highways-83 Road from Pollachi to Coimbatore which is busy with frequent movement of heavy vehicles from Pollachi to Coimbatore and Vice-versa.”



Further, it mentioned in the counter that “ *the order passed by the Hon'ble High Court in W.P.No.25566 of 2022 were duly obeyed and followed, their representation were duly taken for consideration by following the DGP's circular and the report submitted on standing order wide Na.Ka.No.45/Va-U/2022 (e/f vz; 45-th/c-222) dated 26.10.2022 was passed. Hence, the question of violating or wilful disobedience of the Hon'ble High Court order does not arise.*

5.I have considered the submission made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

6.It is not disputed that this Court in W.P.No.25566 of 2022 by its order dated 14.10.2022 passed the following order:

“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



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Director General of Police, Tamil Nadu, Chennai, had issued a circular memorandum in 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."

7. According to the learned Additional Public Prosecutor, this Court in its order dated 14.10.2022 directed the respondent police to consider the representation of the petitioner's dated 12.10.2022 and pass suitable order based upon the circular of DGP within a period of one week. In this regard, the respondent police, by following the DGP circular and considering the



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circumstances prevailing on that date, rejected the permission on 26.10.2022.

8.In this matter grant or not to grant permission, discretion is left to the respondent police by exercising the discretionary power and based upon the situations, the respondent police rejected the petitioner's request on 26.10.2022. Therefore, I find no willful disobedience of this Court order. Hence, I find no reason to take action on the contempt petition. Hence, dismissed. Consequently, connected sub application is closed.

Index : Yes/No
Internet : Yes/No
sms

07.12.2022

To

- 1.V.Bala Krishnan, I.P.S.
The Commissioner of Police,
Coimbatore.
- 2.V.Badrinarayanan, I.P.S.
The Superintendent of Police,
Coimbatore District,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

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pre-delivery order made in
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