



WEB COPY



W.P.No.32199 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.32199 of 2022

D.Mahalingam

...

Petitioner

/vs/

1. The State of Tamilnadu,
Rep. by its Secretary to the Government,
Home Department,
Fort St. George,
Chennai – 600 009.

2. The Director General of Police,
Tamilnadu Government,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 4.

3. The Commissioner of Police,
Greater Chennai,
132, EVK Sampath Salai,
Vepery, Periyamet,
Chennai – 7.

4. The Assistant Commissioner of Police,
Egmore, Chennai.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to give permission and protection to the petitioner and the members of All India Samathuva Makkal Katchi to conduct one day fasting protest on 03.12.2022 timing from 10 a.m. to 5 p.m. at Rajarathinam Stadium Egmore Chennai, by considering the petitioner's representation dated 18.11.2022 for the purpose to make awareness to general public regarding impact of illicit drugs and narcotics.

For Petitioner	...	Mr. M.Kabilan
For Respondents	...	Mr. S.Santhosh Govt. Advocate (Crl.Side)

ORDER

The Writ Petition has been filed seeking to direct the respondents to give permission and protection to the petitioner and the members of All India Samathuva Makkal Katchi to conduct one day fasting protest on 03.12.2022, from 10 a.m. to 5 p.m. at Rajarathinam Stadium Egmore Chennai, by considering the petitioner's representation dated 18.11.2022 for the purpose to make awareness to general public regarding impact of illicit drugs and narcotics.



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2. The petitioner is a State Deputy General Secretary of All India Samathuva Makkal Katchi which is a political party founded by one R.Sarathkumar. The said party has decided to conduct one day fasting protest on behalf of drug awareness in overall Tamil Nadu on 03.12.2022 between 10.00 a.m. to 05.00 p.m. The petitioner as party head would participate in the fasting protest planned at Chennai and other leaders and office bearers heading districts would participate in the fasting protest planned at district levels. In this regard, the petitioner's party had given a representation on 18.11.2022 to the first respondent and the police authorities requesting them to grant permission to conduct the fasting protest. However, the respondents orally refused to grant permission for the same. Hence this petition has been filed seeking a writ of mandamus for directing the respondents to grant permission as requested.

3. The learned counsel for the petitioner submitted that the right to hold peaceful demonstration and protest is the fundamental right of the citizens and it has been held so by the Hon'ble Supreme Court in the case of *Mazdoor Kisan Shakti Sangathan Vs. The Union of India and*



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another in *W.P. (Civil) No.1153 of 2017* dated *23.07.2018*; hence permission should be granted to the petitioner to conduct one day fasting protest.

4. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that the petitioner's party has given a common representation to the police authorities in Chennai in order to conduct protest all over Tamil Nadu; only if they give separate representation to their respective Superintendent of Police, the same can be considered.

5. The learned counsel for the petitioner submitted that such representation has already been given to the police officials at district level and so far no permission has been granted.

6. Considering the above submissions, the third respondent is directed to consider the representation of the petitioner dated 18.11.2022 in accordance with the guidelines issued by the Director General of



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Police, Tamil Nadu, Chennai, in his circular memorandum in
Re.007301/Genl.I(1)/2019, dated 09.04.2019 and also taking into
consideration of the law and order situation in the designated area and pass
suitable orders.

7. With the above directions, this Criminal Original Petition is
disposed.

30.11.2022

Index: Yes/No

Speaking order / Non speaking order

Note to Office: Issue order copy by 01.12.2022.

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To:

1. The Secretary to the Government,
Home Department,
Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Tamilnadu Government,
Dr.Radhakrishnan Salai,
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4. The Assistant Commissioner of Police,
Egmore, Chennai.

5. The Public Prosecutor,
Madras High Court,

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