



WEB COPY



W.P.No.32550 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.32550 of 2022
and W.M.P.No.31948 of 2022

N.S.Nathan

...

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 Superintendent of Police,
Dindugal District,
Dindugal.

4. The Inspector of Police,
Dindugal Town North Police Station,
Dindugal.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified Mandamus calling for the records of the fourth respondents proceedings vide NA.KA.No.81/KA AA/VA.KA.NI/2022 dated 22.11.2022 and quash the same consequently directing the respondents to give permission to conduct one day fasting protest on 03.12.2022 timing from 10 a.m. to 5 p.m. at Kalaraimeddu, Dindugal 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 to call for the records of fourth respondent's proceedings vide NA.KA.No.81/KA.AA/VA.KA.NI/2022 dated 22.11.2022 and quash the same and consequently direct the respondents to give permission to conduct one day fasting protest on 03.12.2022 timing from 10 a.m. to 5 p.m. at Kalaraimeddu, Dindugal 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 District Secretary of Dindugal Central of All

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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. and 05.00 p.m. One such fasting protest is planned to be observed at Kalaraimeddu, Dindugal. In this regard, the petitioner had given a representation on 18.11.2022 to the third respondent, requesting him to grant permission to conduct the fasting protest. However, the fourth respondent rejected the representation of the petitioner vide impugned order in NA.KA.No.81/KA.AA/VA.KA.NI/2022 dated 22.11.2022. Hence this petition has been filed to quash the said impugned order.

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



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4. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that the representation of the petitioner has been rejected in view of the order passed by the Deputy Superintendent of Police, Dindugal, under Section 30(2) of the Indian Police Act, 1861; if the petitioner is aggrieved, he can give a fresh representation to the Superintendent of Police, Dindugal District and the same shall be considered.

5. It is seen from the impugned order that the permission was denied in view of the heavy traffic in the designated venue and there is likelihood for a law and order problem. Since the learned counsel for the petitioner submitted that the right to hold peaceful demonstration and protest is the fundamental right of the citizens as held by Hon'ble Supreme Court in the case of *Mazdoor Kisan Shakti Sangathan Vs. The Union of India and another* in *W.P. (Civil) No.1153 of 2017* dated **23.07.2018**, the petitioner is at liberty to give a fresh representation to the Superintendent of Police, Dindugal for fresh consideration. On such representation is being made by the petitioner, the Superintendent of Police, Dindugal District shall consider



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the same in accordance with the guidelines issued by the Director General of Police, Tamil Nadu, Chennai, in his circular memorandum in Rc.007301/Genl.I(1)/2019, dated 09.04.2019 and also by taking into consideration of the law and order situation in the designated area and pass suitable orders.

6. With the above direction, this Writ Petition is disposed and the impugned order of the fourth respondent in NA.KA.No.81/KA AA/VA.KA.NI/2022 dated 22.11.2022 is quashed.

02.12.2022

Index: Yes/No

Speaking order / Non speaking order

Note to Office: Issue order copy by 02.12.2022.

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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,
Mylapore, Chennai – 4.



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3. The Superintendent of Police,
Dindugal District,
Dindugal.
4. The Inspector of Police,
Dindugal Town North Police Station,
Dindugal.
5. The Public Prosecutor,
Madras High Court.

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