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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **06.12.2022**

CORAM :

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.32217 of 2022

A.Arunkumar

... Petitioner

Vs.

1.The Secretary to Government,
Tamil Development and Information Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police
Greater Chennai City,
Vepery, Chennai 600 007.

3.The Deputy Commissioner of Police
Mylapore Police Station,
Chennai 600 004.

4.The Assistant Commissioner of Police
Mylapore Police Station,
Chennai 600 004.

5.The Inspector of Police
(Law and Order)
E5, Pattinambakkam Police Station,
Pattinambakkam,
Chennai 600 028.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the 2nd to 5th respondents and 1st respondent to consider the petitioner's representation dated 05.11.2022 and 09.11.2022 more particularly the 5th respondent for granting permission and adequate police protection for the petitioner and



the founder and state President Shri.Arjun Sampath along with 22 members Indu Makkal Katchi Tamilnadu on 06.12.2022 the death Anniversary of Annal Dr.Ambedkar to garland the statue to Annal Dr.Ambedkar situated at Ambedkar Memorial Hall, Raja Annamalaipuram, Chennai 600 028 on 06.12.2022 between 04.00 p.m. and 04.30 p.m.

For Petitioner : Mr.P.Ayyaswamy

For Respondents : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

Though this writ petition was filed on 28.11.2022, it could be taken up only today.

2.The prayer in the writ petition is for issuance of a writ of mandamus to direct respondents 2 to 5 and the first respondent to consider the petitioner's representation dated 05.11.2022 and 09.11.2022, more particularly, the 5th respondent for granting permission and adequate police protection for the petitioner and the Founder and State President Shri.Arjun Sampath along with 22 members Indu Makkal Katchi Tamilnadu on 06.12.2022, the death Anniversary of Annal Dr.Ambedkar to garland the statue to Annal Dr.Ambedkar, situated at Ambedkar Memorial Hall, Raja Annamalaipuram, Chennai 600 028 on 06.12.2022 between 04.00 p.m. and 04.30 p.m.



3.The learned Government Advocate (Crl.Side) appearing for the respondents strongly opposed this petition on the ground that the petitioner's representation was rejected on 02.12.2022 for the reason that when similar permission was granted as per order dated 13.04.2022 passed by this Court in W.P. No.9274 of 2022 with certain conditions, one Tmt.Punitha Mahendra Babu, who is the Secretary on Women Wing, Kancheepuram District, indulged in quarrel with the other public present in the mandapam and created unpleasant situation. Despite giving an undertaking in the above writ petition, the petitioner violated the order passed by this Court and created disturbance to the public order and peace by involving in heated argument with the police on the spot. Therefore, the learned Government Advocate strongly opposed for grant of permission as sought for.

4.The objection raised by the learned Government Advocate is refuted by the learned counsel for the petitioner, who submitted that the petitioner earlier filed an undertaking affidavit stating that they would not raise any slogan/s and speech against anyone; not play any instrument; not cause any hindrance to the traffic or general public; not wear "Kavi Dhoti" or Sandal Thilagam or Kum Kum or Vibuthi to the Annal Ambedkar Statue. The learned counsel for the petitioner further submitted that though the petitioner and others strictly followed the above undertaking given by the petitioner, the representations given by the petitioner on



05.11.2022 and 09.11.2022 for the similar prayer have not been considered now by the respondents. Therefore, he has come up before this Court seeking for the above direction.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents and perused the materials placed on record.

6. Considering the representation given by the petitioner and considering the change in circumstance and also the fact that Annal Ambedkar is not only a tall leader, but also a leader to each and every Indian, this Court is of the considered view that every one should be given an opportunity to pay respect to him, but at the same time should show dignity, respect and observe public peace. Now the petitioner has given a written undertaking and he has also agreed to abide by any condition imposed by the respondents police. The relevant portion of the undertaking is extracted hereunder:

'1. I have made representation dated 05.11.2022 to give police protection. In this regard, the Hon'ble High Court, Madras directed me to give undertaking as follows:

a) I undertake not raise any slogan/s and speech against anyone;



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b)I undertake not play any instrument;

c)I undertake not cause any hindrance to the traffic or general public;

d)I undertake not wear "Kavi Dhoti" or Sandal Thilagam or Kum Kum or Vibuthi to the Annal Ambedkar Statue;

e)Myself and the five members undertake not to give press interview in the Manimandapam Campus and outside campus and the details of the members and their designation are as follows:

7.The petitioner would submit that though permission is sought for between 04.00 p.m. and 04.30 p.m., they are ready to go between 05.45 p.m and 06.00p.m. to the venue and he would only seek that the leader of the party may be taken in a separate police vehicle.

8.In view of the above undertaking given by the petitioner, this Court is inclined to grant permission to the petitioner and the five members, namely, 1)Mr.Arjun Sampth, President and Founder of Hindu Makkal Katchi; 2)Mr.Senthil Kumar, State General Secretary; 3)Mr.Anand, State Secretary; 4)Mr.Shakthivel, State Secretary Organising; and 5)Mr.Kannan, President, to garland the statue of Annal Dr.Ambedkar, situated at Ambedkar Memorial Hall, Raja Annamalaipuram, Chennai



600 028 on 06.12.2022 between 05.45 p.m. and 06.00 p.m. with the following conditions::

a)They would not raise any slogam/s and speech against anyone;

b)They would not play any instrument;

c)They would not cause any hindrance to the traffic or general public;

d)They would not wear "Kavi Dhoti" or Sandal Thilagam or Kum Kum or Vibuthi to the Annal Ambedkar Statue;

e)In lieu of garlanding Annal Dr.Ambedkar Statue, Shri Arjun Sampath along with 5 members belonging to Indu Makkal Katchi, who are wearing ID cards, agree to travel through police vehicle/s.

9.This Court is of the opinion that taking into consideration of the undertaking given by the petitioner, the respondents may be directed to give police protection.

10.In view of the above, this writ petition stands ordered on the terms of undertaking given above. The affidavit of undertaking given by the petitioner shall form part of the order. In violation of the conditions imposed by this Court by the petitioner and other five members will be



viewed seriously and it is open to the respondents police to initiate appropriate legal action as per law.

06.12.2022

Internet:Yes/No
vga

Note:Issue order copy today (06.12.2022)

To

- 1.The Secretary to Government,
Tamil Development and Information Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner of Police
Greater Chennai City,
Vepery, Chennai 600 007.
- 3.The Deputy Commissioner of Police
Mylapore Police Station,
Chennai 600 004.
- 4.The Assistant Commissioner of Police
Mylapore Police Station,
Chennai 600 004.
- 5.The Inspector of Police
(Law and Order)
E5, Pattinambakkam Police Station,
Pattinambakkam,
Chennai 600 028.
7. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

vga

W.P.No.32217 of 2022

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