



WEB COPY



W.P.No.32734 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.32734 of 2022

M.Ubaitur Rahman

... 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,
Kovai City, Kovai District.
4. The Inspector of Police,
Rathinapuri Police Station,
Kovai District.

... Respondents

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/party members to conduct one day fasting protest on 03.12.2022 timing from 10 a.m. to 5 p.m. in 16 places mentioned in the petitions all over Tamil Nadu by considering the petitioner's representation dated 18.11.2022 for the purpose of creating awareness to general public



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regarding the 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 direction to the respondents to give permission and protection to the petitioner/party members to conduct one day fasting protest on 03.12.2022 timing from 10 a.m. to 5 p.m. in 16 places mentioned in the petitions all over Tamil Nadu by considering the petitioner's representation dated 18.11.2022 for the purpose of creating awareness to general public regarding the impact of illicit drugs and narcotics.

2. The petitioner is a Zonal Secretary of Kongu South Post of All India Samathuva Makkal Katchi which is a political party founded by a famous Tamil cine actor R.Sarathkumar. The said party has decided to conduct one day fasting protest for drug awareness all over Tamil Nadu on 03.12.2022 between 10.00 a.m. to 05.00.p.m. In this regard, the petitioner's party had given a representation on 18.11.2022 to the first respondent and the



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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 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; In this regard, the Director General of Police has also sent a letter on 29.11.2022 to the Party Head stating that the Commissioner of Police/Superintendent of Police of the respective District may be approached for getting permission/protection.



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5. Considering the above submissions, the petitioner can make his representation to the concerned Commissioner of Police/Superintendent of Police for permission and Police protection and on receiving such representation, the concerned officer shall consider 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 directions, this Criminal Original Petition is disposed of.

02.12.2022

Index: Yes/No

Speaking order / Non speaking order

Note to Office: Issue order copy by 02.12.2022.

kmi / bkn



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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.
3. The Commissioner of Police,
Kovai City, Kovai District.
4. The Inspector of Police,
Rathinapuri Police Station,
Kovai District.
5. The Public Prosecutor,
Madras High Court,



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R.N.MANJULA,J.

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