



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P. (MD) No.6823 of 2022

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R.Ramakrishnan

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Subramaniapuram Police Station,
Subramaniapuram, Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the entire record pertaining to the impugned order, dated 09.04.2022, passed by the 2nd respondent (received at 2.00 P.M) and set aside the same as illegal and consequently, direct the 2nd respondent to grant permission for a Public Meeting in the form of Token Fasting to be held on 10.04.2022 between 09.00 a.m. to 05.00 p.m. near Nataraj Theatre, Palanganatham, Madurai City based on the petitioner's representation, dated 06.04.2022.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R1 : Mr.RM.Anbunidhi
Additional Public Prosecutor

For R2 : Mr.K.Sanjay Gandhi
Government Advocate

O R D E R

The petitioner claims himself as a Co-ordinator of an unregistered Organization called Federation for Social Justice. He has filed the present Writ Petition seeking Certiorarified Mandamus, to call for the entire records pertaining to the order of the second respondent, dated 09.04.2022 (received at 2.00 p.m) and to set aside the same and direct the second respondent to grant permission for the Public Meeting in the form of Token Fasting to be held on 10.04.2022, between 09.00 a.m. to 05.00 p.m. near Nataraj Theatre, Palanganatham, Madurai City.

2. I have heard Mr.P.M.Vishnuvarthanan, the learned counsel for the petitioner, Mr.RM.Anbunidhi, learned Additional Public



Prosecutor, who took notice for the first respondent and Mr.K.Sanjay Gandhi, learned Government Advocate, who took notice for the second respondent.

3. The very same petitioner has already filed a Writ Petition in W.P.(MD).No.6610 of 2022, seeking issuance of a Writ of Mandamus against the same respondents in connection with the public meeting and token fasting to be held on 10.04.2022. In the said Writ Petition, this Court has passed the following order on 08.04.2022. The operative portion of the order is extracted hereunder:

"3. In view of the above, the second respondent is hereby directed to dispose the enquiry on or before 09.04.2022, after giving opportunity of hearing to the parties concerned.

4. With the above directions, this writ petition is disposed of. No costs."

4. Thereafter, the petitioner approached the respondents seeking permission to conduct the fasting meeting by filing a petition. The same was considered and rejected by the respondents. In the order of the second respondent, permission was refused by stating that in view of Chitra Festival at Madurai, the venue, in which, the petitioner's organization proposed to conduct fasting meeting would cause inconvenient to the public and other transportation and that would affect normalcy. It is further observed by the respondents that in view of Chithra Festival, there is shortage of police force to be deployed in the venue for security purposes. Challenging the impugned order dated 09.04.2022, the present Writ Petition has been filed.

5. The learned counsel appearing for the petitioner submitted that they decided to organise a fasting meeting just in order to register their protest against the stand of the Government for according special reservation for certain communities and it is their fundamental right. The learned counsel would further contend that refusal of the respondents to grant permission would affect their right to expression and right to assemble in group.

6. The learned Additional Public Prosecutor appearing for the first respondent and the learned Government Advocate appearing for the second respondent submitted that the impugned order, in no way, deny the right of petitioner's federation to conduct a fasting meeting in a peaceful manner. They would further submit that permission could not be granted because of the famous Chitra Festival season, at Madurai. However, it is suggested that permission can be granted, if the petitioner co-operates to conduct



fasting meeting with certain conditions, like not using loud speakers and shortening the time and also taking responsibility to conduct the meeting in a peaceful manner, without causing any law and order problem or communal clash.

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7. The learned counsel for the petitioner had undertaken to abide the conditions stipulated by the respondents and assured that the meeting will be held in a very peaceful manner without affecting public peace in any manner.

8. Under such circumstances, I feel that the impugned order dated 09.04.2022 can be set aside and the respondents be directed to grant permission for the petitioner to hold fasting meeting on conditions.

9. Thus, this Writ Petition is allowed and the impugned order dated 09.04.2022 passed by the second respondent is set aside and the respondents 1 and 2 are directed to grant permission to the petitioner Federation to hold fasting meeting on **10.04.2022**, between **11.00 a.m. to 03.00 p.m.** near Nataraj Theatre, Palanganatham, Madurai City, **without using loud speakers and by observing the other usual conditions stipulated by the respondents.** No Costs.

Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar(CS)

CM/TM

To,

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Subramaniapuram Police Station,
Subramaniapuram, Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No. 6823 of 2022
09.04.2022

MGJ(09.04.2022) 3P 4C