



W.P(MD)No.5143 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.5143 of 2023

KR.Asokan

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Deputy Superintendent of Police,
Sivagangai Taluk,
Sivagangai.

3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission and adequate police protection to the petitioner political party for conducting 'Demonstration' from 11.00 a.m. to 01.00 p.m. on 11.03.2023 by using loud speaker and mic near Aranmanai Vasal, Sivagangai.

For Petitioner : Mr.Chellapandian, Senior Counsel
for Mr.P.Sivanesan



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For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

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ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents to grant permission and adequate police protection to the petitioner political party for conducting 'Demonstration' from 11.00 a.m. to 01.00 p.m. on 11.03.2023 by using loud speaker and mic near Aranmanai Vasal, Sivagangai.

2.W.P.(MD).No.5039 of 2023 and this petition namely W.P. (MD).No.5143 of 2023 was taken up for hearing yesterday i.e., 09.03.2023, and the competent authority was directed to consider the representations that was made by both, before 06.00 p.m. According to the learned Additional Public Prosecutor, that was considered, so far as W.P.(MD).No.5039 of 2023 is concerned by the Deputy Superintendent of Police, Sivagangai permission was granted to conduct meeting as scheduled. So far as this petitioner is concerned, it was rejected citing some reasons stating that the proposed place, where the demonstration is going to be held, is nearer to the Highways and also Schools and Colleges. The public will be affected, if the demonstration is held in that



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place. Apart from that, he has also stated that Section 30(2) of the Police Act is also in force.

3.The learned Senior Counsel appearing for the petitioner would submit that a fresh representation has been made today morning i.e., on 10.03.2023, stating that they are ready to conduct the above said demonstration between 11.00 a.m. and 01.00 p.m. on 11.03.2023 either near the Ramachandra Hall or in Thirupathur Road, where a vacant site is available.

4.The learned Additional Public Prosecutor would submit that on the very same day, another meeting is also going to be held, who are the petitioner in W.P.(MD).No.5039 of 2023. It is further submitted that earlier, the representation was made by them for conducting the above said demonstration in between 10.00 a.m. and 05.00 p.m.

5.The learned Additional Public Prosecutor made a strong objection with regard to the date, in which, the above said proposed demonstration is going to be held. Since another meeting is held on the same day, definitely there will be a chance to create law and order



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problem by the petitioners. On that ground, the learned Additional Public Prosecutor would submit that if alternative date is mentioned by the petitioner that will be considered by the competent authority favourably.

6.The learned Senior counsel would submit that the stand taken by the competent authority granting permission to one party to conduct the meeting in some other place and rejecting this petitioner's request citing some of the reasons is not appropriate. Since a new undertaking is given by them, the same may be considered by the competent authority.

7.The learned Senior counsel for the petitioner would further submit that they have made all the arrangements to conduct the demonstration tomorrow and the time also differs. The time of the proposed meeting in W.P.(MD).No.5039 of 2023 is 05.00 p.m. So far as this petition is concerned, it is going to be held between 11.00 a.m. and 01.00 p.m. He has also stated that they are ready to give an undertaking that they will not create any law and order problem.

8.No doubt, that there was some sort of issue between the two groups. But the fact remains that the petitioner is willing to give an



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undertaking that may be required by the competent authority to the effect that they will not create any law and order problem. Let the above said undertaking shall be given by the petitioner before the competent authority. With regard to the time, restriction may be imposed upon, by the competent authority, depending upon the situation. On the undertaking given by the petitioner, the competent authority, namely the second respondent shall pass orders imposing any conditions as stated above, forthwith to conduct the demonstration by fixing the venue and as well as the time restrictions. It is made clear that it should not be taken as a precedent in future.

9.Let me extract the concluding portion of the order that was passed by this Court, which relevant for concluding the discussion.

“Therefore, it is clear that no one has absolute faith in the Fundamental Right to Freedom of Speech and Expression. People understand Article 19(1)(a) to mean a Fundamental Right to Freedom of their own expression and not that of others who hold a view point that cannot be tolerated by them. But, fortunately, the Government and the Court alone maintain consistency, the Government uniformly rejecting



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*the request of all groups and the Court uniformly
allowing the request of all groups.”*

10. With the above directions, this writ petition is Ordered.

10.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/ No

TM

Note : Issue order copy today (10.03.2023)

To

1. The Superintendent of Police, Sivagangai District, Sivagangai.
2. The Deputy Superintendent of Police, Sivagangai Taluk,
Sivagangai.
3. The Inspector of Police, Sivagangai Town Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J

TM

Order made in
W.P(MD)No.5143 of 2023

Dated :10.03.2023