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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20/04/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

WP (MD) No.8748 of 2023

S.Christandain Rajasekar : Petitioner

Vs.

1.The Deputy Superintend of Police,
Tirchendur,
Thoothukudi District.

2.The Inspector of Police,
Athoor Police Station,
Thoothukudi,
Thoothukudi District.

3.The Sub Inspector of Police,
Arumuganeri Police Station,
Thoothukudi,
Thoothukudi District.

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to consider the representation of the petitioner, dated 28/03/2023 and grant permission to conduct one day Propaganda March, on 29/04/2023 between west Athoor to Kayalpattinam at Thoothukudi District and pass such further or other orders.



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For Petitioner : Mr.V.Rajiv Rufus
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

O R D E R

The writ petition has been filed seeking direction to the 1st respondent to consider the representation of the petitioner, dated 28/03/2023 and grant permission to conduct one day propaganda march, on 29/04/2023 between West Athoor to Kayalpattinam at Thoothukudi District.

2.The facts in brief:-

The petitioner belongs to a political party and they wants to conduct one day propaganda march from Udangudi to Kayalpattinam at Thoothukudi District and public meeting, on 28/01/2023 for venting out his demand to the Government. The representation given by the petitioner, dated 19/01/2023 was rejected by the 1st respondent police, on 26/01/2023. Then changing the event to 17/02/2023, sent a representation. But there was no reply. Again, the event was changed to 18/03/2023 and gave a fresh representation, on 03/03/2023. No reply. Again, representation was given. So, they approached this



Court by way of filing WP(MD)No.5553 of 2023. At that time, it was submitted before this Court that the above said representation was rejected, on 14/03/2023. Another representation was given by the petitioner changing the date to 29/04/2023. That representation was made, on 18/03/2023. But again, there was no proper reply. So, this writ petition.

3.Heard both sides.

4.The learned Additional Public Prosecutor would submit that the representation, dated 28/03/2023 given by the petitioner was considered; the march representation was rejected on the ground that they cannot grant police protection for 12 kms stretch pathway, since the public will be affected, if the march is taken through the above said road, citing some other reasons, that representation was rejected. It was circulated at the time of hearing; With regard to the issue, which has been raised by the petitioner over the imprisonment of religious people, the matter is pending before the concerned court; So the petitioner cannot take the issue in the public meeting.



5. With regard to the prohibition, according to the learned Additional Public Prosecutor, it is a policy matter, for which, the petitioner cannot make any issue. But these two objections cannot be considered by this court for the simple reason that it is a democratic right of the petitioner, they can raise the issue to draw the attention of the Government.

6. The learned counsel appearing for the petitioner would submit that the earlier proposal to take up the issue of migrant labours was withdrawn by the petitioner and dropped. The proposed march is going to highlight some of the issues faced by a particular religious people and for imposing total prohibition in Tamil Nadu.

7. No doubt that the petitioner got democratic right to take out a public meeting to draw attention to the Government regarding the above said two issues. But now the problem is that they want the march to take out through a 12 kilometer stretch, which according to the learned Additional Public Prosecutor, is not permissible.



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8.The 2nd respondent police is present before this court and stated that the above said event may create law and order problem. With regard to the public meeting, there is no objection on the side of the police and only with regard to the march, they have made objection.

9.With regard to the march, let the 2nd respondent, who is the competent authority may restrict the distance and may also impose conditions upon them as situation demands. There can be no objection for the public meeting. A similar restrictions may be imposed upon the petitioner with regard to the time, place, etc. Since the representation was already rejected, a fresh representation be made by the petitioner by mentioning the alternative road for taking out the march and the distance. With regard to the restriction of distance, it may not be proper or possible for this court to suggest the same. It is for the competent authority to decide the same by taking into the situation in the locality and traffic, etc, facts.



10.As mentioned above, restrictions may be imposed by the second respondent with regard to the distance, which may be reasonable in the situation in that locality. With regard to the public meeting, alternative place, which is suggested by the petitioner may be considered by the 2nd respondent.

11.The above said representation be given by the petitioner immediately and orders may be passed by the 2nd respondent within three days on receipt of the representation.

12.With the above said direction, this writ petition stands disposed of. No costs.

20/04/2023

Index:Yes/No
Internet:Yes/No
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To,

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Tirchendur,
Thoothukudi District.
- 2.The Inspector of Police,
Athoor Police Station,
Thoothukudi,
Thoothukudi District.
- 3.The Sub Inspector of Police,
Arumuganeri Police Station,
Thoothukudi,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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WP (MD) No. 8748 of 2023

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