



W.P.(MD)No.16322 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:10.07.2023

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THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.16322 of 2023

Arun Masilamani

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. District Superintendent of Police,
Thanjavur District.
2. The Deputy Superintendent of Police,
Sub Division, Kumbakonam,
Thanjavur District.
3. The Inspector of Police,
East Police Station, Kumbakonam,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent vide his office proceedings in Na.Ka.No.63/Ku.Oo.Ko/2023 dated 28.06.2023 quash the same and consequently to direct the respondents to grant



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permission to the petitioner to conduct a peaceful rally from Palakarai to the Old Fish Market and Public Meeting on the Right to Education on 16.07.2023 between 3.00 PM to 10.00 PM at the Old Fish Market, Near Sastra College, Kumbakonam, Thanjavur District.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)

ORDER

This petition is filed for quashment of proceedings issued by the second respondent police *vide* their office proceedings in Na.Ka.No. 63/Ku.Oo.Ko/2023 dated 28.06.2023, refusing to grant permission to conduct rally from Palakarai to the Old Fish Market and public meeting on the 'Right to Education' on 16.07.2023 between 03:00 p.m. to 10:00 p.m. at the Old Fish Market, Near Sastra College, Kumbakonam, Thanjavur District.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the Coordinator/in-charge of the youth wing voluntary



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organization, viz., "Ilaingar Aran", which demands quality education as well as good safety infrastructure in both private and government schools. It is submitted that in the year 2004, major fire tragedy that occurred in a school at kumbakonam in Thanjavur District, claimed the lives of 94 school children. In order to honour their memory, on behalf of the said voluntary organization, originally, the petitioner has submitted a representation dated 28.06.2023 to the second respondent police seeking permission to take out a peaceful rally and for conducting a public meeting on 16.07.2023. However, the permission was ultimately declined by the respondents police citing the law and order problem and the traffic congestion in the particular route as sought for by the petitioner. Aggrieved over the same, the present petition is filed.

3. Learned counsel for the petitioner submitted that the object of the peaceful rally and public meeting is to protect the rights of the State in respect of Education, which is guaranteed under the Constitution of India. Learned counsel also relied upon the orders of the Hon'ble Supreme Court in the case of ***Ramlila Maidan Incident v. Home Secretary, Union of India & Ors.***, reported in ***(2012) 5 SCC 1***, which



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emphasized that the freedom of speech, right to assemble and demonstrate by holding dharnas and peaceful agitations are the basic feature of a democratic system.

4. During the course of submissions, learned government Advocate (Crl.Side) submitted that he will talk to the concerned police and report back to the Court as to the alternative route if any available for the petitioner to take out procession and also to permit the petitioner in a specific time slot for offering prayer. Accordingly, after consulting the police, learned Government Advocate (Crl.Side) submitted that originally, respondents police have no objection in case if the petitioner take out procession from Old Palakarai, Paranika Theatre, Selvam Theatre and Old Fish Market (Meeting Place). It is also submitted that the petitioner shall confine his prayer time slot between 03:00 p.m. to 03:30 p.m., as subsequently, the parents of the children are expected to offer prayer in the same premises.

5. Accordingly, considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl.Side), this



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writ petition is disposed of with a direction to the respondents police to grant permission as requested by the petitioner, to conduct rally and public meeting after offering prayer, by following due process of law. No costs.

10.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

1. The Superintendent of Police,
O/o. District Superintendent of Police,
Thanjavur District.
2. The Deputy Superintendent of Police,
Sub Division, Kumbakonam,
Thanjavur District.
3. The Inspector of Police,
East Police Station, Kumbakonam,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR.D.NAGARJUN,J

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