



W.P.(MD)No.19292 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.08.2023

CORAM

**THE HONOURABLE DR.JUSTICE D.NAGARJUN**

**W.P.(MD)No.19292 of 2023**

P.Ayyakannu

... Petitioner

Vs

1.The Government of Tamil Nadu,  
Represented by its Secretary,  
Home Department,  
St.George Fort,  
Chennai.

2.The Commissioner of Police,  
Trichy City, Trichy.

3.The Inspector of Police (Law and Order),  
Fort Police Station, Trichy.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating of the third respondent proceedings in Na.Ka.PC/Fort.PS,Trichy City/2023, dated 26.07.2023 and quash the same as illegal and direct the respondents to permit the petitioner's Association to conduct “Kathiruppu Porattam” without imposing any unlawful condition till the implementation of the demand of the farmers by the Central and State Government.



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For Petitioner : Mr.S.Muthukrishnan

For R-1 to R-3 : Mr.E.Antony Sahaya Prababar  
Additional Public Prosecutor

### **ORDER**

This Writ Petition is filed seeking for a direction to the respondents questioning the orders passed by the third respondent Police, dated 26.07.2023 in Na.Ka.PC/Fort.PS, Try/Trichy City/2023.

2. It is submitted by learned counsel for the petitioner that the petitioner is a State President of National South Indian River among Agriculturist Sangam, which is formed to bring awareness to the agriculturists of Tamil Nadu, in respect of interlinking of rivers in India so that sufficient water is available for the agricultural operations. It is submitted that various Associations have been fighting for the past sixty years with a demand of interlink of river and accordingly, the petitioner's Association has also undertaken demonstration at Janther Manthar, New Delhi for 141 days and that 190 the Farmers' Associations have also staged dharna and a rally at New Delhi Parliament Street on 20.11.2017 and created awareness.

3. Sofaras the present petition is concerned, it is submitted by learned counsel for the petitioner that a representation was given to the respondent Police to permit them to conduct demonstration peacefully.



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However, the respondent Police have passed order, dated 26.07.2023, vide proceedings in Na.Ka.PC/Fort.PS, Try/Trichy City/2023, permitting the petitioner to conduct dharna with 25 persons from 28.07.2023 to 11.08.2023. It is submitted that the petitioner intends to continue the demonstration, indefinitely, however, the respondent Police have not acceded to their request. Therefore, sought for suitable directions.

4. Learned Additional Public Prosecutor on the other hand submits that the petitioner's Association have never mentioned in respect of the period during which they intend to demonstrate. Even as seen from the affidavit of this petition also, it is not mentioned clearly that the petitioner also intends to stage the demonstration indefinitely. It is submitted by learned Additional Public Prosecutor that the respondent Police considering the situation prevailing law and order has permitted from 28.07.2023 to 11.08.2023 to perform the demonstration by 25 persons. It is submitted by the learned counsel that the respondent Police under the Police Act, 1861, are not expected to curtail the demonstration, even though they can regulate. However, during the course of submissions, learned Additional Public Prosecutor fairly submitted that the permission if given for four more weeks to made Dharna, it will be suffered for the time being.



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5. Considering the circumstances made by both sides and on perusing of records, this Writ Petition is disposed of, directing the petitioner to approach the Police and file an application afresh requesting to permit them to stage dharna / demonstration for four more weeks from 11.08.2023 onwards in condition to earlier proceedings and on filing of such application, the respondent Police is directed to agree the permission and provide all necessary bandobust and security for the dharna programme being conducted by the petitioner. No costs.

**09.08.2023**

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

Note : Issue Order copy by **11.08.2023**

To

- 1.The Secretary,  
the Home Department,  
the Government of Tamil Nadu,  
St.George Fort, Chennai,
- 2.The Commissioner of Police,  
Trichy City, Trichy.
- 3.The Inspector of Police (Law and Order),  
Fort Police Station, Trichy.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**DR.D.NAGARJUN, J.**

tsg

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