



W.P.No.2749 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2749 of 2024

A.Banarai

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sathyamangalam Division,
Erode District.

3.The Inspector of Police,
Banglapudur Police Station,
Bangalapur,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for the issue of writ of Mandamus directing the 1st respondent to consider his representation dated 02.02.2024 and to provide adequate police protection to conduct protest meeting to be held on 8th February 2024 at 10 A.M., near Kadambur bus stand, Sathyamangalam Taluk, Erode District.

For Petitioner : Mr.C.Iyappa Raj

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor



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ORDER

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This writ petition has been filed for a direction to the respondents 1 to 3 to consider the representation made by the petitioner on 02.02.2024, wherein the petitioner has sought for police protection to conduct the protest meeting on 08.02.2024 at 10.30 a.m, near Kadambur bus stand.

2. The petitioner is a party functionary of AIADMK party. According to the petitioner, an FIR was registered in Cr.No.5 of 2024 on 23.01.2024 as against some innocent persons and therefore, the petitioner along with his party men want to protest regarding the same. A representation was given in this regard and since the same did not evoke any response, the present writ petition has been filed before this Court.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the representation made by the petitioner has been rejected by the 3rd respondent by proceedings dated 06.02.2024. The copy of the Rejection Order was also placed before this Court.

4. Heard the learned counsel for the petitioner and the learned



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Additional Public Prosecutor appearing on behalf of the respondents.

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5. The main objection that was raised by the learned Additional Public Prosecutor appearing on behalf of the respondent Police is that the place where the petitioner wants to conduct the protest is a very sensitive place which will unnecessarily cause law and order problem. It was further contended that the investigation is pending in Cr.No.5/2024 before the concerned Police and if any such protest takes place, it will impact the investigation and it will create an adverse opinion in the minds of the general public. It was further submitted that the protest cannot be conducted based on the FIR registered by the police and therefore, the claim made by the petitioner for conducting the protest is unsustainable and the same has to be rejected by this Court.

6. In the considered view of this Court, the petitioner belongs to the opposition party. According to the petitioner, the FIR has been registered against innocent persons and as a result they have been prevented from entering a Temple to worship God. There are many instances where protests are being conducted to condemn or criticize the



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police action registering a case and investigating the same. Just because such a protest is conducted, that does not mean that the same will result in interference with the investigation. That has got nothing to do with the investigation to be conducted by the Police. Ultimately, the protestors are going to assemble in a place and raise slogans for some time and they are going to disperse from that place. This is something which regularly happens in a democratic country.

7.The only ground to be considered by this Court is as to whether the place that has been chosen for the protest is sensitive and whether any alternative place can be chosen for conducting this protest. Accordingly the learned counsel on either side took instructions and suggest that the protest will be conducted at Chinnasalatti Pirivu Bus Stop (Thinnaiyur Pirivu).

8. In the light of the above discussion, the 3rd respondent is directed to grant permission and police protection to be conducted at Chinnasalatti Pirivu Bus Stop (Thinnaiyur Pirivu) from 10.30 a.m for a period of 45 minutes. Immediately on expiry of 45 minutes, the crowd has to disperse.



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It is left open to the 3rd respondent to impose any reasonable conditions which has to be complied with by the petitioner.

9. This Writ Petition is disposed of with the above terms.

07.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

sk

Note:Issue order copy today

To

- 1.The Superintendent of Police,
Erode District, Erode.
- 2.The Deputy Superintendent of Police,
Sathyamangalam Division,
Erode District.
- 3.The Inspector of Police,
Banglapudur Police Station,
Bangalapudur,
Erode District.
- 4.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.



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