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WP.No.24093 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WP.No.24093 of 2024

Siva Vijayan

... Petitioner

Vs.

1. The Home Secretary,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. The Director General of Police,
Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 3rd respondent in proceedings No.672/Tha.Pi.2/E.Ko102/2024 dated 11.08.2024 and quash the same and consequently direct the respondents to grant permission to the petitioner organization to conduct demonstration on 16.08.2024 all over Tamil Nadu demanding the Central Government to take immediate action to stop the “ Genocide of Hindus in Bangladesh”.



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For Petitioner : Mr.G.Karthikeyan,
Senior Counsel
for Ms.A.Jagadeeswari

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)
for R1 to R3

ORDER

The petitioner is the City Secretary of Hindu Munnani, a request made to the police to grant permission for conducting demonstration on 16.08.2024 all over Tamil Nadu demanding the Central Government to take immediate action to “ Genocide of Hindus in Bangladesh” been rejected by the respondent police on various grounds. Therefore, seeks certiorarified mandamus to quash the said impugned proceedings and direct the respondents to grant permission for the said demonstration.

2. The learned Government Advocate (Crl.Side) submits that as per the procedure any request for demonstration or public meeting should be made five days prior to the date of programme. Whereas in this case, so far as Chennai is concerned application seeking permission was made on 08.08.2024 to conduct demonstration on 12.08.2024.



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3. The learned Government Advocate further submits that subsequent to the change of Government in Bangladesh, assurance to be given by the New Government that minorities life and property in Bangladesh will be protected and normalcy has almost restored in Bangladesh and therefore it is not appropriate time to conduct any demonstration in connection with events which had taken place at Bangladesh.

4. By way of reply, the learned Senior Counsel appearing for the petitioner submits that the concern for the demolition of Hindu Temples and killing of Hindus in Bangladesh not been properly addressed by the Central Government. Therefore, to draw the attention of the Central Government, the petitioner's organization has thought fit that the demonstration in peaceful manner to be conducted. The reasons for rejecting the permission has no legs to stand as the organizers will not disturb any free flow of traffic and they are ready to change the time of demonstration which will suit the police to provide adequate arrangement for free flow of traffic.



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5. The learned Senior Advocate further submits that the demonstration is a form of expression permitted in all democratic countries. We have seen demonstration expressing concern for genocide at Sri Lanka and Gaza, State had no difficulty in providing permission for those demonstration.

6. This Court does not find any valid reason for denying permission to the petitioner. Hence, the impugned order declining permission to the petitioner's organization to conduct demonstration against the “ Genocide of Hindus in Bangladesh” is hereby quashed.

7. The petitioner shall give five days prior notice and conduct demonstration between 03.00p.m and 04.00 p.m., in the place which has already been earmarked by the respondent police in the respective Town/City for conducting demonstration/public meeting.

8. The learned Senior Advocate States that the organization will give application tomorrow(22.08.2024) and conduct demonstration on 27.08.2024 between 03.00p.m and 04.00 p.m.



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9. On receipt of application, the respondent police is directed to grant permission for the said demonstration on the aforesaid day.

10. This Writ Petition is allowed in the above terms.

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Vv

Note: Issue Order Copy on 22.08.2024

To

1. The Home Secretary,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Director General of Police,
Radhakrishnan Salai,
Mylapore, Chennai-600 004.
3. The Commissioner of Police,
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