



WEB COPY



W.P.No.27621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.27621 of 2024

R.Pasupathy

... Petitioner

vs

1.The Superintendent of Police,
Collector Office Road,
Moovendar Nagar,
Villupuram Taluk,
Villupuram District - 605 602.

2.The Deputy Superintendent of Police,
Villupuram Taluk,
Villupuram District - 605 602.

3.The Inspector of Police,
Villupuram Taluk Police Station,
E Pondy Road,
Villupuram Taluk,
Villupuram District - 605 602.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus by directing the 3rd respondent to consider representation dated 04.09.2024 and to provide adequate Police protection to conduct protest meeting to be held on 20th September 2024 at 10.00 a.m before the District Collector Office, Villupuram District and consequently to direct the respondents to grant permission to hold a meeting.



W.P.No.27621 of 2024

WEB COPY

For Petitioner : Mr.C.Iyapparaj
For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side)

ORDER

The petitioner who is a Member of a political party holding the post of Zonal Secretary, Villupuram South District has filed this writ petition seeking direction to the respondents to consider his representation, dated 04.09.2024 for grant of Police protection/Bandobust to hold protest meeting decided to be held on 20.09.2024 at 10.00 a.m opposite to Villupuram District Collector Office.

2.The learned counsel for the petitioner submits that the petitioner is a seriously practising Advocate and also a Member of the Bar Association, Villupuram. He is very much aware and conscious of his role as citizen in holding Dharna, not to cause any disturbance to the general public. The place of protest sought for by the petitioner is just opposite to the Villupuram Collectorate which is the normal place where all the political parties and righteous persons, hold protest to highlight the problems and fight for public cause. The petitioner gave representation to conduct protest for encroaching and closing of a burial ground in the name of development,



W.P.No.27621 of 2024

not providing basic amenities, causing pollution, improper maintenance of the road and causing disturbance to the public. Further, the protest is to be held on 20.09.2024 morning at 10.00 a.m to 12.00 noon.

3.The learned counsel for the petitioner on instructions submits that the petitioner and Organizers would ensure that there will not be any disturbance to the public movement and for the movement of the vehicle. They are aware that the protest place is centric of Combined Courts of Villupuram District, Villupuram Collectorate and other Government Offices and Government General Hospital. No disturbance would be caused to any of these institutions. He further submits that the place selected by the petitioner is the usual place where all other political parties are permitted to conduct their protest and Dharna. Hence, prays for appropriate direction of this Court.

4.The learned Government Advocate (Crl. Side) appearing for the respondents submitted that the petitioner's representation, dated 04.09.2024 was rejected by the 3rd respondent Police in Na.Ka.No.25/Forecast/Villupuram, dated 17.09.2024 for the reason that in



W.P.No.27621 of 2024

and around the protest place, Villupuram Collectorate, Combined Courts, New Bus Stand, Government and Private Hospitals, Schools and Colleges located. Added to it, there would be movement of general public and college students to board the buses. Further there is a vacant place 200 meters away which would be idle for conducting Dharna without disturbance to the public. He fairly submitted that the place identified by the petitioner is a place all political parties conduct their Dharna without any disturbance to general public provided participants are limited in number. In this case, the petitioner's claim is that more than 1000 persons would participate in Dharna, hence it would create chaotic situation, for that reason only the 3rd respondent rejected the petitioner's representation.

5. At this stage, the learned counsel for the petitioner submits that the participants would be restricted and conduct themselves in an orderly manner not creating any disturbance or obstacles to the public, create any chaotic situation. The petitioner and the Organizers would follow all restrictions normally imposed in conducting Dharna. The petitioner shall file an affidavit confirming to the usual restriction imposed by the 3rd respondent, normally granting such permission to others. The apprehension



W.P.No.27621 of 2024

of the petitioner is that in the guise of restrictions, their right to protest a fundamental right cannot be throttled.

6.In view of the above, this Court directs the petitioner to give fresh representation to the 3rd respondent along with affidavit that the participants will not be a reason and cause for any disturbance to the general public. On receipt of the representation, the 3rd respondent to consider the same and permit the petitioner to conduct the protest before the Collectorate where protests are permitted in the normal course and the restrictions to be reasonable.

7.With the above directions, this Writ Petition stands disposed of.

No costs.

18.09.2024

Index : Yes/No
Internet: Yes/No

vv2

Note: Issue Order Copy on 19.09.2024.



WEB COPY



W.P.No.27621 of 2024

M.NIRMAL KUMAR, J.

vv2

To

- 1.The Superintendent of Police,
Collector Office Road,
Moovendar Nagar,
Villupuram Taluk, Villupuram District - 605 602.
- 2.The Deputy Superintendent of Police,
Villupuram Taluk,
Villupuram District - 605 602.
- 3.The Inspector of Police,
Villupuram Taluk Police Station,
E Pondy Road, Villupuram Taluk,
Villupuram District - 605 602.
- 4.The Public Prosecutor,
High Court, Madras.

W.P.No.27621 of 2024

18.09.2024