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W.P.No.29237 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.29237 of 2024
& W.M.P.No.31912 of 2024

Thiruselvan.
S/o V.Kannan,
Assistant General Secretary,
Centre of Indian Trade Unions,
Tamil Nadu State Committee,
No. 27, Mosque Street, Chempauk,
Chennai - 600 005.

... Petitioner

-VS-

1. The Additional Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George,
Chennai -600 009.

2. The Commissioner,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai – 600 007.

3. Mr. A.Arun I.P.S,
The Commissioner,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai – 600 007.



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4. Mr. M.G.Arun,
Assistant Commissioner of Police, (Law and Order)
Nungambakkam Police Station,
Valluvarkottam,
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus calling for records pertaining to the impugned order dated 17.09.2024 vide proceedings Enn.843/tha.pi.2/Ee.Ko.102/2024 on the file of the 2nd respondent and to quash the same and consequently (I) direct the respondents to grant permission to hold protest demonstration on 11.10.2024 in favour of Samsung workers at Valluvarkottam, Nungambakkam, Chennai (II) further direct the 1st respondent to take disciplinary action against the respondents 3 & 4 for man handling the workers and their leaders who have peacefully stood at Valluvarkottam, Nungambakkam, Chennai on 18.09.024 at 5 P.M.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

The petitioner herein has sought for permission to carry out a protest demonstration in respect of anti labour attitude of Samsung Company which was denied by the respondent police *vide* order dated 17.09.2024.



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Hence, the present Writ Petition seeking issuance of Writ of Certiorarified Mandamus to call for the records and quash the impugned order denying permission to conduct demonstration and consequentially to take disciplinary action against the 3rd & 4th respondent for man handling the workers and leaders who were peacefully stood at Valluvarkottam, Nungambakkam, Chennai on 18.09.2024 at 5.00 p.m.

2. The Learned Counsel appearing for the petitioner submits that while the permission for conducting peaceful protest near Valluvarkottam earmarked for protest was denied at the last minute. The Office bearers of the trade union consisting of 24 members went to the spot and informed the cadre about the denial of permission and to disperse them. However, the respondents 4 & 5 had inhumanly manhandled them and removed them from the place violently and hence, action should be taken against the respondents 3 & 4, besides direct the respondent police to grant permission for the protest.

3. The Learned Government Advocate (Crl.Side) for the respondent submits that application for permission to hold protest was received on 13.09.2024 and the Petitioner Union was proposed to conduct demonstration on 18.09.2024. Since the Intelligence report indicated that a larger number of



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worker may congregate the spot of demonstration and the time was very short for taking decision, the request for permission was denied and intimated to the petitioner. However, the members of the petitioner union came with Flag, placards and despite denial of permission, they raised slogans and protested by forming unlawful assembly and conducted protest. They were removed from the place and F.I.R been registered against them. In fact, the petitioner, after raising slogans for some time, voluntarily boarded the bus and they were later released and there was not man handling as alleged by the petitioner

4. This Court, after hearing the Learned Counsels and perusing the record find that the members of the petitioner union had unlawfully assembled at the place of protest, despite knowing the fact that the permission was denied to them. Therefore, action taken by the police to remove them from the place where they were gathered unlawfully cannot be construed as an unlawful act and therefore consequential prayer sought is dismissed. In respect of request to grant permission for conducting protest, the petitioner shall make their request well in advance and specify the number of participants expected to participate in the protest. On receipt of such application, the respondent police shall examine the application and pass appropriate order granting permission with reasonable restrictions which are required to maintain peace and public order.



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5. With this observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No.

Interest : Yes/No.

bsm

To:-

1. The Additional Secretary to Government (Home),
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2. The Commissioner,
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No.132, Commissioner Office Building,
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3. Mr. A.Arun I.P.S,
The Commissioner,
Greater Chennai Police,
No.132, Commissioner Office Building,
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4. Mr. M.G.Arun,
Assistant Commissioner of Police, (Law and Order)
Nungambakkam Police Station,
Valluvarkottam,
Chennai.

5. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.
bsm

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