



W.P.(MD)No.24914 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.01.2024

PRONOUNCED ON : 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P (MD) No.24914 of 2023

P.Ayyakannu
State President,
National South Indian River Interlinking
Agriculturist Sangam,
No.3, Malar Salai,
Annamalainagar, Trichy-18.

...Petitioner

VS

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

2.The Inspector of Police (Law & Order),
Fort Police Station, Trichy.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent proceedings Na.Ka.No./KA.Aa/Ko.Ka.Ni/Thi.Ma/2023, dated 22.09.2023 and to quash the same as illegal and to direct the first respondent permit the petitioner association to continue the demonstration in the place already allotted near Chithamani opposite Anna statue in Trichy city for four weeks.



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For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner submitted that this Petition had been filed seeking to quash the impugned order passed by the first Respondent, dated 22.09.2023 and to direct the first Respondent to permit the Petitioner Association to continue the demonstration in the place already allotted near Chinthamani opposite Anna statue in Trichy city for four weeks.

2.The learned Counsel for the Petitioner submitted that the Petitioner is a farmer and he is the State President of the National South Indian River Interlinking Agriculturalist Sangam. For the past 25 years and more, they had been fighting for the cause and for the welfare of the Agriculturalists in Tamil Nadu by organizing struggles to draw the attention of the State and Central Governments. The Petitioner Association has also raised demand to fix profitable price to the agricultural product for each and every harvest session. Also, it is the main moto of the Petitioner Association to interlink



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all the rivers in India, so that the water is available for agricultural operations. The Petitioner Association had conducted demonstration, procession, fasting and other kind of struggles to draw the attention of the State and Central Governments. The Petitioner Association conducted Dharna at New Delhi in Jantar Mantar for 141 days and also took out rally at Parliament Street on 20.11.2017. The Petitioner Association had also organised farmers awareness march from Kanniyakumari to Chennai for 100 days from 01.03.2018 onwards.

3.The Petitioner submitted a representation to the Respondents 2 and 3 for conducting “Kathiruppu Porattam” and had also filed W.P.(MD)No. 19292 of 2023 seeking to extend the demonstration till the implementation of the demand for interlinking of rivers by the Central and State Governments. The Court was pleased to direct the Petitioner to approach the Police and file an application afresh requesting to stage Dharna for four more weeks from 07.08.2023 onwards and permission was also granted on 09.08.2023. Thereafter, the Government of Tamil Nadu had approached the Hon'ble Supreme Court against the Government of Karnataka for releasing the water, as directed by the Supreme Court of India. It is necessary for the



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Petitioner Association to continue the demonstration till the implementation of the demand of the farmers, otherwise, the Central and State Governments will not consider the demand of the farmers.

4.The Petitioner submitted a representation on 30.08.2023 through registered post to the second Respondent seeking permission to continue the demonstration after 08.09.2023 till the implementation of the farmers' demand. Thereafter, the Petitioner filed a Writ Petition in W.P.(MD)No. 21631 of 2023 before this Court for extension of demonstration for another four weeks and the same was allowed by granting two weeks further time by order dated 13.09.2023. Accordingly, the Petitioner Association members continue demonstration from 15.09.2023 to 28.09.2023. Since the Cauvery river water dispute had not been solved by the Central and State Governments till this date, it is necessary for the Petitioner Association to continue demonstration for another four weeks from 29.09.2023. The Petitioner also submitted a representation to the first Respondent to continue the demonstration from 29.09.2023 for another four weeks.

5.The first Respondent vide impugned order in



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Na.Ka.No.KA.Aa/Ko.Ka.Ni/Thi.Ma/2023, dated 22.09.2023, rejected the request for conducting demonstration for another four weeks. The learned Counsel for the Petitioner submitted that the order of the first Respondent is arbitrary, unreasonable and illegal. The right of the Association to conduct peaceful demonstration in the place allotted by the Police is not an illegal act. The Petitioner Association conducted demonstration for 56 days peacefully without causing any disturbance to the law and order. The rejection of permission to conduct demonstration for another four weeks have deprived of the right of the farmers to conduct peaceful demonstration. In the above circumstances, the Petitioner Association have no other remedy except to approach this Court under Article 226 of Constitution of India seeking Certiorarified Mandamus, to call for the records of the first Respondent in proceedings in Na.Ka.No.KA.Aa/Ko.Ka.Ni/Thi.Ma/2023, dated 22.09.2023 and to quash the same as illegal and to direct the first Respondent to permit the Petitioner Association to continue the demonstration in the place already allotted near Chinthamani opposite Anna statue in Trichy city for four weeks.

6.The learned Additional Public Prosecutor submitted that earlier a



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Writ Petition was filed for the same relief in W.P.(MD)No.21631 of 2023, which was disposed of by this Court vide order, dated 13.09.2023. For the same relief, there cannot be a second Writ Petition. The Petitioner, instead of preferring an appeal, had filed this Writ Petition for the second time. The learned Additional Public Prosecutor invited the attention of this Court to the order passed by this Court in W.P.(MD)No.21631 of 2023, dated 13.09.2023, particularly in paragraph Nos.11 and 12.

7.The point for consideration is whether this Petition is to be allowed?

8.Considering the facts and circumstances of the case and also in the light of the order passed by the learned Single Judge of this Court in W.P.(MD)No.21631 of 2023, dated 13.09.2023 and on the objections raised by the learned Additional Public Prosecutor, this Court is of the view that the Petitioner cannot maintain a second Writ Petition for the same cause of action. Also, it is be noted that for any party or individual, a place cannot be granted without any time limit for conducting any agitation or protest or any function or meeting without any restrictions. That is not permitted under



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law. The Petitioner Association are within their right to seek fresh permission, which shall be disposed by the Respondents as per law. Only after then, they can approach this Court.

In the result, the Writ Petition is dismissed as not maintainable. No costs.

Internet :Yes/No
Index :Yes/No
NCC :Yes/No

05.03.2024

cmr

To

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

2.The Inspector of Police (Law & Order),
Fort Police Station, Trichy.



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SATHI KUMAR SUKUMARA KURUP, J.

cmr

Order made in
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05.03.2024