



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.11.2024

Pronounced on : 19.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

WP(MD)No.27344 of 2024

Shanmugam

... Petitioner

vs.

1. The Superintendent of Police,
O/o of the Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
South Police Station,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.en: 210/Forecast/B3PS/TUT/2024 dated 25.10.2024 passed by the second respondent and quash the same as illegal and consequently, direct the second respondent to give permission for conducting demonstration on 17.11.2024 or on some other date from 05.00 p.m to 08.00 p.m at VVT Signal, Near Chidhambaranagar Bus Stop, Thoothukudi, since the second respondent failed to consider the constitutional rights guaranteed to the people for conducting democratic demonstrations against Fish Waste Factories polluting the area by dumping the fish waste.



WEB COPY



For Petitioner : Mr.A.Naresh Prabu

For Respondents : Mr.A.Thiruvadi Kumar

The Additional Public Prosecutor.

ORDER

This petition has been filed to quash the impugned order passed by the second respondent in Na.Ka.en:210/Forecast/B3PS/TUT/2024, dated 25.10.2024, and consequently, direct the second respondent to give permission for conducting demonstration on 17.11.2024 or a some other date from 05.00 p.m to 08.00 p.m at VVT Signal, Near Chidhambaranagar Bus Stop, Thoothukudi.

2. The petitioner is a member of the Tamil Nadu Vivasaya Sangam. He gave a representation to the second respondent police dated 14.10.2024 to give permission to conduct demonstration at vacant land situated near '*VVT Signal, Near Chidhambaranagar Bus Stop, Thoothukudi*' on 26.10.2024, from 05.00 p.m to 08.00 p.m demanding closure of '*Fish Waste Factories*', which are running without proper permission and causing pollution in that locality, which was rejected by the second respondent by passing the impugned order dated 25.10.2024. In the impugned order, it is stated that the place, which was mentioned in the



representation is a congested place and the same would cause disturbance to the public, more particularly, the relevant period is a Diwali festive Season.

3. The learned counsel for the petitioner would submit that the respondents allowed many protests in the said place on earlier occasions. He also substantiated the said plea by producing two material documents. The respondents allowed two political parties to conduct demonstration in the said place. The learned Additional Public Prosecutor has not disputed the same. In the said circumstances, the impugned order passed by the second respondent suffers arbitrariness. The respondents took different stands to different people. Hence, this Court is not inclined to accept the argument of the learned Additional Public Prosecutor and the impugned order passed by the second respondent is violation of Article 14 of the Constitution of India. This Court in the WP(MD)No.8967 of 2024 on 07.04.2024 has held as follows:-

“8. Just because there would be some hindrance for the traffic and free movement of the people, that by itself is not a ground to reject the permission”



WEB COPY

4. In view of the above discussions, this Writ Petition stands allowed on the following terms:-

i) The first respondent is hereby directed to give the suitable permission for conducting demonstration on 24.11.2024 from 11.00 a.m to 12.00 p.m (One hour only) at VVT signal, Near Chidhambaramnagar Bus Stop.

ii) The writ petitioner is directed to furnish the details of the participants and file an undertaking affidavit that they will conduct the demonstration without causing any inconvenience to the public and also take responsibility if any untoward incident occurs.

-No costs.

19.11.2024

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

Note : Issue order copy on 20.11.2024



WEB COPY



To

1. The Superintendent of Police,
O/o of the Superintendent of Police,
Thoothukudi District.
2. The Inspector of Police,
South Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



K.K.RAMAKRISHNAN, J.,

dss

WP(MD)No.27344 of 2024

19.11.2024