



W.P.(MD)No.27354 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2024**

CORAM:

THE HONOURABLE **MR JUSTICE M. NIRMAL KUMAR**

W.P.(MD)No.27354 of 2024

and

W.M.P.(MD)No.23156 of 2024

The Trichy City District Secretary,
Amma Makkal Muneetra Kazhagam,
No.55, VOC Road,
Anna Nagar Main Road,
Trichy 17.
Rep. by Senthilnathan.

...Petitioner

/Vs./

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

2.The Inspector of Police,
Woraiyur Police Station,
Trichy City.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 2nd respondent vide No. OC No.39/E2-PS/TRC/2024 dated 07.10.2024 and quash the same as



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illegal and unconstitutional and consequently directing the respondents to grant permission to hold the fast on 25.11.2024 at the place where the TASMACH Shop No.10257 is situated and on 02.12.2024 where the FL 2 private bar is situated.

For Petitioner : Mr.S.Paul Murugesu

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the order passed by the second respondent vide No. OC No.39/E2-PS/TRC/2024 dated 07.10.2024 with consequential direction to respondents to grant permission to hold the fast on 25.11.2024 at the place where the TASMACH Shop No.10257 is situated and on 02.12.2024, where the FL 2 private bar is situated.

2. The petitioner, the District Secretary of a political party, has sent a representation to the respondents to grant permission to hold 'fast' on 25.11.2024 against the opening of a TASMACH shop No.10257.



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However, the petitioner's representation was rejected by the second respondent by the impugned order dated 07.10.2024, against which, the petitioner has filed this writ petition.

3. The learned counsel appearing for the petitioner would submit that the rejection order of the second respondent is illegal and arbitrary, since protest or fasting is a form of protest to redress the grievance by the public, as guaranteed under Constitution of India. The petitioner's objection is that there is already FL2 private bar. However, by not considering the welfare of the public, the TASMAC shop is permitted. Hence, the petitioner decided to conduct protest / dharna / fasting. The petitioner is ready to give an undertaking to hold the protest in a peaceful and orderly manner subject to the regulations imposed by the respondent police. Since the petitioner belongs to opposition political party, the respondent police is not granting permission to conduct protest without any valid reasons.

4. The learned Additional Public Prosecutor appearing for the respondents has filed his counter and submitted that the petitioner is the



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District Secretary of a political party and sought permission to conduct protest against shifting of TASMACH shop No.10257, at Srinivasa Nagar, Vayalur Road, Tiruchirappalli. The place, where the petitioner sought permission to conduct protest, is a busy locality having bus stops, which will cause trouble to the general public. Further, there are business establishments in the said locality. Hence, it would cause heavy traffic disruption and disturbance to the general public and to the business establishments and cause law and order problem. Therefore, the petitioner's request was rejected.

5. The learned Additional Public Prosecutor further submitted that the petitioner has already demonstrated at SS Manamagil Mandam for the same issue and the petitioner and others were arrested and a case was registered in Crime No.754 of 2024 for the offence under Sections 189(2) and 292 of Bharathiya Niyaya Sanhita, 2023 on 01.10.2024 and later, he was bailed out and the case is under investigation. The petitioner further demonstrated at TASMACH shop No.10257, for the very same issue on 08.10.2024 without any permission, for which also, a case in Crime No. 770 of 2024 was registered against the petitioner and others. This case is



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also under investigation. He further submits that the place suggested by the respondents is Kora Street Junction, Woraiyur.

6. Heard the learned counsel on either side.

7. The petitioner with a group of people has been consistently holding protest in the busy street, which causes disturbance to the public. The petitioner wants to be in limelight for his own political interest without any care for the public. However, if the petitioner insist to conduct protest, the suggested place by the respondents is Kora Street Junction, Woraiyur can be permitted. The learned counsel appearing for the petitioner accepts the same and he intends to hold protest on 02.12.2024.

8. In view of the above, the petitioner is directed to make an application to the second respondent to hold protest at Kora Street Junction, Woraiyur, by giving details of protest, programme schedule, number of participants, well before 26.11.2024. The petitioner shall also give an undertaking that the protest / fast will not cause any disturbance



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to the general public and the petitioner shall also abide by the conditions.

On receipt of such application, the second respondent shall consider the same on merits and in accordance with law. However, the protest time will be between sunrise and sunset.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2024

Index : Yes / No
NCC : Yes / No
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Note: Issue Order copy on **25.11.2024**.



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WEB CODE **TO:**

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City.
- 2.The Inspector of Police,
Woraiyur Police Station,
Trichy City.



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M. NIRMAL KUMAR, J.

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Order made in
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Dated:
21.11.2024