



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 24.04.2025

PRONOUNCED ON : 18.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **P.DHANABAL**

W.P.(MD)No.5686 of 2025
and WMP.(MD)No.4145 of 2025

TamilNadu Eluchi Tholilalar Nala Sangam,
Rep. By its Secretary,
A.Dharmar,

... Petitioner

Vs

1.The Assistant Superintendent of Police,
Thoothukudi District.

2.The Superintendent of Police,
Thoothukudi Town,
Thoothukudi District.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 1st respondent herein in the proceedings in Na.Ka.No.21/SDO/Town/TUT/2025 dated 19.02.2025 and the consequential impugned notice issued by the 3rd respondent herein in the proceedings in Na.Ka.No.06/Forecast/B3PS/TUT/2025 dated 19.02.2025 and quash the same and direct the respondents to grant permission to hold the peaceful gathering



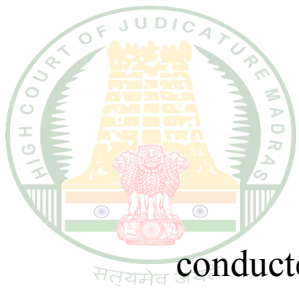
in a manner that complies with the law, while uploading the constitutional right to freedom of speech and assembly.

For Petitioner : Mr.Srinath Sridevan Senior Counsel for
Mr.B.Sethu Baskaran
For Respondents : Mr.Ajmalkhan, AAG Assisted by
Mr.M.Sakthi Kumar, GA (Crl.Side)
for RR1 to RR3.

ORDER

This writ petition has been filed by the petitioner to quash the proceedings issued by the 1st respondent in the proceedings in Na.Ka.No. 21/SDO/Town/TUT/2025 and the proceedings issued by the 3rd respondent in Na.Ka.No.06/Forecast/B3PS/TUT/2025 dated 19.02.2025 and to direct the respondents to grant permission to hold the peaceful gathering in a manner that complies with the law.

2. The learned Senior Counsel appearing for the petitioner would submit that the petitioner is a secretary of the Tamil Nadu Eluchi Tholilalar Nala Sangam registered under the Trade Unions Act. The petitioner submitted the representation before the respondents on 29.01.2025 and 05.02.2025 and the same was rejected on 19.02.2025 by the 1st and 3rd respondents. Earlier, one of the associations namely TamilNadu Muraisara Tholilalar Congress, submitted a representation on 16.12.2024 to the respondents 1 to 3, and



conducted a peaceful gathering on 20.12.2024. The primary agenda of the peaceful gathering was to address the loss of employment opportunities in Thoothukudi District. After a successful gathering and being impressed with the manner and method of organizing and the resolution drawn therein, many other trade unions and associations wanted to conduct a similar gathering to demonstrate solidarity and seek government's intervention to work in their interest. The intention of this peaceful gathering is to pass resolutions and take them to the attention of the State Government and Central Government. Many unions, including Fishermen Association, approached the petitioner to organize a larger peaceful gathering to seek government's attention. Therefore the petitioner/union submitted a separate representation to the 3rd respondent, then to the 1st respondent to conduct a peaceful gathering.

3. He further submitted that The Secretary of Tamilnadu Eluchi Thololalar Nala Sangam, namely Dharmar, gave a representation before the Superintendent of Police, ASP, Thoothukudi Town and South Police Station on 29.01.2025 for conducting a peaceful gathering on 07.02.2025 and the same was granted. However, due to unforeseen circumstances, they are unable to conduct peaceful gathering on that date and the same was re-scheduled on 20.02.2025 and hence they submitted a fresh representation on 05.02.2025. After the receipt of such representation, the 3rd respondent



initially acceded and gave oral permission. However when the second representation to conduct the peaceful gathering on 20.02.2025 was given, the previous day a letter was given by the 1st and 3rd respondents. The reasons stated by the respondents are that the proposed place is not an approved place for conducting gathering, the venue is close to Tirunelveli - Thoothukudi Highway and the scheduled time is closing hours of the schools and colleges and it will cause traffic congestion. One of the topics to conduct peaceful gathering is about the Sterlite copper plant. The Hon'ble Supreme Court upheld the closure of the copper plant. Therefore, they denied to grant permission. The rejection of permission for the peaceful gathering is an infringement on their fundamental rights to peacefully assemble and gathering, guaranteed under Article 19(1)(b) of the Constitution of India. The right to freedom of speech and expression under Article 19(1)(a) includes the right to articulate grievances peacefully even against the government or orders passed by constitutional authorities/legislations etc. The petitioner seeks to exercise this fundamental right and denial of permission for the peaceful gathering curtails their ability to express dissent on an important socio-economic issue. Therefore, the impugned orders passed by the respondents 1 and 3 through proceedings dated 19.02.2025 are liable to be quashed.



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4. The learned counsel appearing for the petitioner also relied on the following judgments:

1. **Ramlila Maidan Incident, in re, Suo Motu WP(Crl.)No.122 of 2011, reported in (2012) 5 SCC 1.**

2. **Samaj Parivartana Samudaya and Others Vs. State of Karnataka and others, reported in (2018) 13 SCC 501.**

3. **Subramanian Swamy Vs. Union of India, Ministry of Law and others, reported in (2016) 7 SCC 221.**

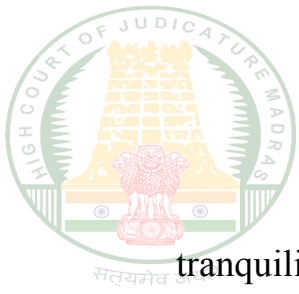
4. **Mazkoor Kisan Shakti Sangathan Vs. Union of India and Another, reported in (2018) 17 SCC 324.**

5. The learned Additional Advocate General appearing for the respondents would submit that the writ petition is not at all maintainable and the fundamental rights guaranteed under Article 19(1)(a) and 19(1)(b) of the Constitution of India is fully acknowledged. However, these rights are not absolute and subject to reasonable restrictions under Article 19(2) and Article 19(3) which allow the State to impose such restrictions in the interest of public order, security and the rights of others. The order passed by the 1st and 3rd respondents are valid before the eye of law in the interest of considering the law and order situation. On the previous occasions, permission to resort



to agitations has been granted, and in some meetings and agitations, permission was earlier denied and granted later as per the directions of the Hon'ble High Court. However, various groups who were against the Sterlite Copper Company have misused and violated the permission and dismantled public peace and finally resulted in law and order problems and untoward incidents happened on 22.05.2018 and 23.05.2018.

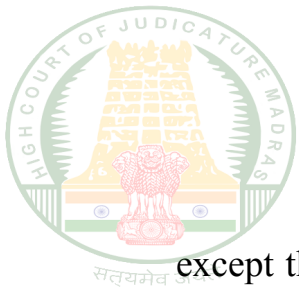
6. He further submitted that the rejection of the petitioner's request to hold a peaceful gathering was based on legitimate concerns regarding public order, safety and traffic management. The proposed venue, near the Tirunelveli-Thoothukudi Highway is a high-traffic area and the scheduled time coincided with school and office hours and with a great gathering of 2000 people in a predominantly industrial area along a heavily congested highway route, the event would cause extreme difficulties for passersby, industrial laborers, and school and colleges students and thereby hindering general traffic resulting in a law and order problem. In this case, the private right must give in to public interest, if any permission is granted to protest will lead to a law and order issue. In order to avoid any untoward incident and to maintain the rule of law, preventive measures have been initiated with the bona fide intention of avoiding social unrest and violence. Further, if the protest permitted it would instigate violence, disrupt public peace and



tranquility. Now the present situation in Thoothukudi District is quite normal.

Various possible steps are being taken to maintain public peace and tranquility. At this juncture, granting permission for gatherings public meetings, etc may demolish the calm and peace that settled now in the mindset of general public of Thoothukudi and would likely to trigger a law and order situation.

7. He further submitted that the Hon'ble Supreme Court had already passed the order to decline to interfere with the closure of the Sterlite copper plant and obtained an order of the Government in closing the Sterlite copper plant. The Hon'ble Supreme Court passed the order with economical activities should not come at the excess of the environmental degradation or wealth of the population and there are so many violences of environmental norms and thereby the Court upheld the order of the Government in closing the copper plant. He further submitted that the representation was already made by the public to close the copper plant and some agitators died in the violence. If a peaceful gathering is permitted, it will amounts to against the law of the Supreme Court and it will lead to law and order issue in the Southern District. Therefore, the first and third respondents passed the reasoned orders declining to grant permission, and if the petitioners are ready to gather for other reasons then they will consider by giving a fresh request



except the copper plant issue. Therefore, the present writ petition is liable to be dismissed.

8. The learned counsel appearing for the respondent relied on the judgment of the Hon'ble Supreme Court in **Vedanta Limited Vs State of Tamil Nadu and Others**, reported in (2024) SCC Online SC 230.

9. This Court heard both sides and perused the materials available on record.

10. In this case, the petitioner decided to conduct protest by peaceful gathering to address the loss of employment opportunities in the Thoothukudi District and also in respect of Sterlite copper plant. The first and third respondents passed the impugned order declining to grant permission on the ground that the protest venue is not peaceful and it will cause hindrance to the public due to traffic congestion. The Hon'ble Supreme Court has already upheld the closure of the Sterlite copper plant in Thoothukudi and the protest was also made against the Sterlite copper plant and some of the people died and it caused law and order issue, therefore, they declined to grant permission.



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11. According to the petitioner, the peaceful gathering is in accordance with rights vested to freedom of speech and expression and right to assemble peacefully where the fundamental rights guaranteed under Article 19(1)(a) and 19(1)(b) of the Constitution of India. He further submitted that the respondents declining to grant permission to conduct peaceful gathering as requested by the petitioner is against law. According to the respondent, the incident was already taken place in the year 2018 where the protest was made against the Sterlite copper plant and some of them died and now the Thoothukudi District is in a peaceful manner. If the permission is granted, it will affect public peace and tranquility.

12. This Court perused the entire records and the petitioner's gathering is to seek Government attention in respect of the following agenda:

a. VOC Port Trust, casual wage workers voicing grievance about the decline in port activities.

b. The displacement of salt pans from Thoothukudi, which has left over 25,000 laborers unemployed, reducing the workforce from 25,000 to just 2000 laborers.

c. The closure of Copper plant, which has employed 30,000 wage workers and 1,500 direct employees. The Government should rectify and mismanagement issues and allow to reopen the copper plant.



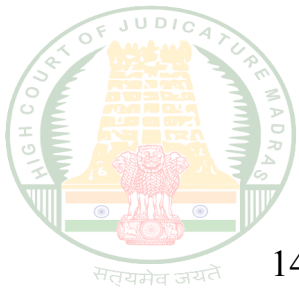
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d. 4000 people worked in Madura Coats Spinning Mill, which was famous for 125 years at Thoothukudi and 5000 peoples worked in spinning mill and at Mountain Spinning Mill, since that too were closed, the condition of the workers who worked there is also deplorable.

e. This peaceful gathering is being held to draw the attention of the Central and State government to take immediate steps to address the declining industrial sector in Thoothukudi.

f. The Central and State Government should intervene and try to find an immediate solution to decline in employment rate and decline in industrial sector in Thoothukudi.

13. The contention of the government in one of the agenda is in respect of the closure of the copper plant, thereby the Government opposed on the ground that already the untoward incident was took place in the year 2018 and some people died in the incident and the Government has closed the copper plant and the same was challenged by the management of the copper plant, and the Hon'ble Supreme Court also upheld the closure of the copper plant on the ground of breach of environmental norms. Since the Hon'ble Supreme Court upheld the closure of the copper plant, the question would arise, whether the petitioner can agitate for re-opening the copper plant.



14. At this juncture, the learned counsel for the petitioner relied on the following judgments.

1. Ramlila Maidan Incident, In re, Suo Motu WP(Crl.)No.122 of 2011, reported in (2012) 5 SCC page 1.

2. Samaj Parivartana Samudaya and Others Vs. State of Karnataka and others, reported in (2018) 13 SCC 501.

3. Subramanian Swamy Vs. Union of India, Ministry of Law and others, reported in (2016) 7 SCC 221.

4. Mazkoor Kisan Shakti Sangathan Vs. Union of India and Another, reported in (2018) 17 SCC 324.

15. On careful perusal of the above judgments, it is clear that the right of people to hold the peaceful protest and demonstration etc, is fundamental right guaranteed under Article 19(1)(a) and 19(1)(b) of the Constitution of India. But, at the same time, ensuring that no intervention of any kind is caused to the public and not in utromouled and unlimited in that scope and it is subject to article 19(2) to 19(6) of reasonable restrictions on the rights confirming restrictions on the exercise of such rights. Further, the constitution does not merely speak of Human Rights Protection. It also speaks of preservation and protection of man as well as animals, all creatures, plants, rivers, hills and environment. The Constitution of India professes for



collective life and collective responsibility on the one hand and individual rights and responsibilities on the other hand. Therefore, the fundamental rights guaranteed under Article 19(1)(a) and 19(1)(b) are not absolute. The State Government has a powerful in force raising the restrictions.

16. In the case on hand, the petitioner wanted to gather for conducting a protest and the same was declined on the ground that the proposed venue is surrounded by schools and colleges and it would cause indulgence to the public and thereby declining to grant permission on that ground is valid. As far as, the another ground for the rejection is concerned, the Hon'ble Supreme Court has already passed the order against the gathering on the ground that the said law and order problem lead to death.

17. It is true that the Hon'ble Supreme Court has upheld the closure of the company through judgment in **Vedanta Limited Vs State of Tamil Nadu and others** (cited supra), wherein the Supreme Court categorically held as follows:

11. In the impugned judgment, the High Court inter alia found that:

a. The unit had operated without consent from TNPCB for about sixteen years;

b. The unit had operated without hazardous waste



management authorisation for about ten years;

c. The unit did not have appropriate systems in place for the disposal of hazardous waste;

d. There was a substantial presence of Total Dissolved Solids (TDS) in the water;

e. The unit dumped large amounts of copper slag, leading to air and water pollution. The dumped copper slag also caused the river in Thoothukudi to flood. This was a violation of the conditions in terms of which the relevant authorities had granted consent;

f. The unit failed to comply with the requirement of maintaining a green belt;

g. The regulator, TNPCB, did not exercise its powers in a timely and effective fashion, as mandated by law and

h. TNPCB established that the unit flouted the law for over twenty-two years. There was no error in the decision of the authorities to direct the closure of the unit.

And in para-24,

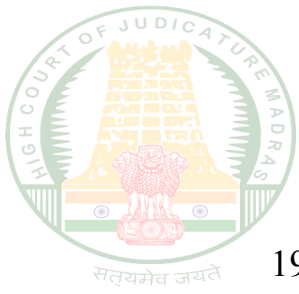
24. The closure of the industry is undoubtedly not a matter of first choice. The nature of the violations and the repeated nature of the breaches coupled with the severity of the breach of environment norms would in the ultimate analysis have left neither the statutory authorities nor the High Court with the option to take any other view unless they were to be oblivious of their plain duty. We are conscious of the fact that the unit, as this Court observed in



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its decision in 2013, has been contributing to the productive assets of the nation and providing employment and revenue in the area. While these aspects have undoubted relevance, the Court has to be mindful of other well-settled principles including the principles of sustainable development, the polluter pays principle, and the public trust doctrine. The polluter pays principle, a widely accepted norm in international and domestic environment law, asserts that those who pollute or degrade the environment should bear the costs of mitigation and restoration. This Principle serves as a reminder that economic activities should not come at the expense of environmental degradation or the health of the population.

18. On a careful perusal of the above judgment, it is clear that the the copper plant was closed with the severity of the breach of environmental norms. Now the petitioner wanted to agitate to re-open the copper plant. Once the Hon'ble Supreme Court upheld the closure of the copper plant, it is not appropriate to agitate to re-open the copper plant. However, the learned counsel for the petitioner, even though the Supreme Court upheld the closure of the copper plant, still agitate to re-open the copper plant and it will not amounts against the Judgment of the Hon'ble Supreme Court.

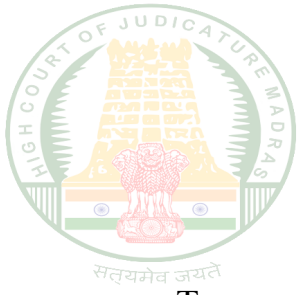


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19. The learned counsel for the petitioner also relied on the judgment in the case of **Samaj Parivartana Samudaya and Others Vs. State of Karnataka and Others**, reported in **(2018) 13 SCC 501**. On a careful perusal of the judgment cited supra, it will not apply to the present facts of the case. In the present case, there is no any change in circumstances. Therefore, from the above said discussions, it is clear that the fundamental rights guaranteed under Article 19(1)(a) and 19(1)(b) are subject to reasonable restrictions and the order passed by the 1st and 3rd respondents declining to grant permission is within the purview of the reasonable restrictions under Article 19(2) and 19(3). However, as rightly contended by the learned Additional Advocate General, if the petitioner made a representation in any authentic place to have gathering to address their grievances, except the issue of Sterlite copper plant, the 1st and 3rd respondents will consider the request of the petitioner and grant permission by imposing appropriate conditions, in accordance with law.

20. With the above observation and directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

18.07.2025



To

1. The Assistant Superintendent of Police,
Thoothukudi District.
2. The Superintendent of Police,
Thoothukudi Town,
Thoothukudi District.
3. The Inspector of Police,
South Police Station,
Thoothukudi District.



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P.DHANABAL, J.,

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Pre-delivery order made in

W.P.(MD)No.5686 of 2025
and WMP.(MD)No.4145 of 2025

18.07.2025