



W.P.Crl.(MD)No.2408 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 03.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.Crl.(MD)No.2408 of 2025

B.Kumaran
Secretary,
Shanmuga Nagar Welfare Association,
Uyyakondan Thirumalai,
Vayalur Road, Trichy – 620 102. ... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Government Hospital Police Station,
Trichy District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 29.11.2025 in Proceedings in Na.Ka. No.77/Ka.Aa/A.Ma.Ka.Ni./Dhi.Ma/2025 and to quash the same as illegal and arbitrary and consequently direct the respondents to grant permission to the petitioner Association to conduct a peaceful protest/demonstration at Puthur 4 Road, Trichy, on 04.12.2025 or on any other date and time fixed by this Court.

For Petitioner : Mr.M.Karthick,
Advocate

For Respondents : Mr.S.S.Manoj,
Government Advocate (Criminal Side)



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ORDER

WEB COPY This Writ Petition is filed challenging the impugned order of rejection dated 29.11.2025 passed by the second respondent in Na.Ka.No. 77/Ka.Aa/A.Ma.Ka.Ni./Dhi.Ma/2025, and for a consequential direction permitting the petitioner Association to conduct a peaceful protest at Puthur 4 Road, Trichy.

Factual background:

2. The petitioner is the Secretary of Shanmuga Nagar Welfare Association, representing over 1200 families residing at Shanmuga Nagar, Uyyakondan Thirumalai, Trichy. The long-standing demand of the residents is the establishment of a public park in the NA land situated within the locality, which remains the only open space available.

3. Repeated representations from 2018 onwards were submitted to the Trichy City Corporation, elected officials, and other authorities. On 15.03.2023, the Hon'ble Minister for Municipal Administration inaugurated certain civic works and assured that the demands of the locality would be taken into account. Despite this assurance, no concrete action has followed.



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4. The petitioner Association submitted a representation on 29.10.2025 seeking permission to organise a peaceful protest. An enquiry was conducted by the police on 07.11.2025, but no decision ensued. Thereafter, the petitioner submitted another representation dated 25.11.2025 seeking permission to conduct a peaceful protest on 04.12.2025.

5. The second respondent rejected the request on 29.11.2025, citing vague apprehensions regarding law and order disturbance, without assigning any concrete or substantive reasons.

Petitioner's contentions:

6. The learned counsel for the petitioner contends that the impugned order is arbitrary, mechanical, violative of Articles 14, 19(1)(a), and 19(1)(b) of the Constitution of India, and passed without proper application of mind.

7. It is further submitted that the petitioner Association had assured full cooperation, peaceful conduct, and adherence to any conditions that may be imposed by the police. The venue, Puthur 4 Road, has previously been permitted for political parties and other organisations. Hence, singling out the petitioner Association amounts to discriminatory treatment.



Respondents' submissions:

8. The learned Government Advocate appearing for the respondents submits that the refusal was based on apprehended law and order issues and the possibility of public inconvenience.

Analysis:

9. The right to assemble peacefully and the right to express views through peaceful protest are fundamental rights guaranteed under Article 19(1) (a) and 19(1)(b) of the Constitution. These rights cannot be curtailed except by reasonable restrictions under Article 19(3).

10. The Hon'ble Supreme Court in *Mazdoor Kisan Shakti Sangathan v. Union of India*¹ and in *Amit Sahni v. Commissioner of Police*² has reiterated that peaceful protest is a legitimate democratic expression, and administrative authorities must balance security and public order concerns through reasonable regulation, not blanket denial.

11. This Court has consistently held that mere vague apprehension of disturbance, unsupported by concrete material, cannot be a ground to reject

¹ (2018) 17 SCC 324

² (2020) 10 SCC 439



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permission for peaceful assembly. Orders denying such permission must reflect due application of mind and must be supported by specific reasons.

12. The impugned proceedings merely state that law-and-order issues may arise, without any supporting facts. Such a generalized apprehension cannot constitute a valid ground for curtailing fundamental rights.

13. Further, when the very same venue has been routinely permitted for various organisations and political bodies, denial of permission to the petitioner Association, without justification, amounts to discriminatory treatment violative of Article 14.

14. This Court is of the view that any law-and-order concerns can adequately be addressed by imposing appropriate restrictions and conditions rather than denying permission outright.

15. In view of the above discussion, this Court finds the impugned order to be arbitrary, mechanical, and violative of the petitioner's fundamental rights. It is therefore liable to be set aside.



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16. Accordingly, the impugned order dated 29.11.2025 passed by the second respondent in Na.Ka.No.77/Ka.Aa/A.Ma.Ka.Ni./Dhi.Ma/2025 is set aside.

17. The petitioner Association is permitted to conduct a peaceful protest/demonstration at Puthur 4 Road, Trichy, on 11.12.2025, subject to the following conditions:

(i) The participants shall conduct themselves peacefully without causing obstruction to traffic or disturbance to the general public.

(ii) Loudspeakers, if any, shall be used only within the permissible limits and within the time restricted by the authorities.

(iii) The petitioner shall ensure that no untoward incident occurs.

(iv) The respondents are at liberty to impose any additional reasonable conditions required to maintain public order and safety.

18. The Writ Petition is allowed. No costs.

03.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
mkn /Sml

Note: Issue order copy on 08.12.2025.



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To

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Government Hospital Police Station,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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