

W.P.No.1871 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.1871 of 2023

and

W.M.P.No.1975 of 2023

R.S.Deva Alias Kamadevan

... Petitioner

Vs.

1. The Home Secretary,
Govt. of Tamil Nadu,
Fort St.George, Chennai – 600 009.
2. The Director General of Police,
Mylapore, Chennai – 600 004.
3. The Inspector of Police,
Pudhu Nagar Police Station,
Cuddalore.
4. The Inspector of Police,
Pudhu Nagar Police Station,
Cuddalore.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 14.01.2023 made in Na.Ka.No.20/tha.pi/X/cuddalore/2023 passed by the third respondent and quash the same as null and void and consequentially directing the



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respondents more particularly the 3rd respondent to give permission to the petitioner to conduct State Conference of Indu Makkal Katchi – Tamizhagam to be held on 29.01.2023 at Manjakuppam Ground, Cuddalore and also give adequate police protection to the conference and its participants.

For Petitioner : Ms.S.Mayilnathan

For Respondents : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

This petition is filed seeking for issuance of a writ of certiorarified mandamus to quash the impugned order dated 14.01.2023 in Na.Ka.No.20/tha.pi/X/cuddalore/2023 passed by the third respondent and consequentially to direct the respondents more particularly the 3rd respondent to give permission to the petitioner to conduct State Conference of Indu Makkal Katchi – Tamizhagam to be held on 29.01.2023 at Manjakuppam Ground, Cuddalore and also give adequate police protection to the conference and its participants.

2. The learned counsel for the petitioner submitted that the petitioner decided to conduct state conference of Indu Makkal Katchi – Tamizhagam on 29.01.2023 at Manjakuppam Ground, Cuddalore. It was decided to



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conduct a procession on 29.01.2023 at 3 P.M starting from Ariya Vaisiya

WEB COPY Tirumana Mandapam to reach Conference place through Theradi Theru, Lawrance Road, Bus Stand, Anna Overbridge, Bharathi Veedhi. The Commissioner, Cuddalore Corporation granted permission to conduct conference at Manjakuppam Ground, Cuddalore. In this regard the petitioner paid Rs.8,000/-. The permission granted by the Commissioner, Cuddalore is subject to permission to be granted by the other wings of Government i.e., Public Works Department, Health Department and Police Department. Petitioner applied for Police permission on 09.01.2022, that was rejected by the impugned order dated 14.01.2023. Therefore this petition.

3. In response, learned Government Advocate submitted that the representation dated 09.01.2023 has no details as to the nature and scope of the conference, how many would participate in the conference etc., The respondent received seven representations from various organizations opposing the conduct of the proposed State conference conducted by Indu Makkal Katchi – Tamizhagam for the reason that, that would create tension among the public and ultimately law and order problem will arise. He further submitted quoting from the invitation circulated by the petitioner,



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that the proposed conference would involve the participation of Sanyasis,

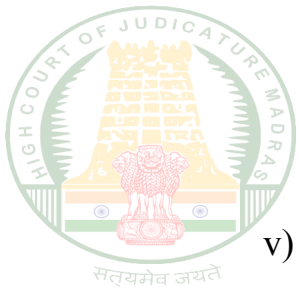
WEB COPY Dharmakarthas and ardent followers of Hindu religion. There is every possibility that while speaking about hindu religion, they would speak ill against other religions. In that event, it would necessarily create unrest among other religions and consequent law and order problem. Considering all these aspects, the District Superintendent of Police, Cuddalore has rejected the permission on the following grounds.

i) There is no detail available with regard to the number of persons participating in the conference, how many vehicles would come to conference.

ii) The proposed route for procession is surrounded by important places like shopping complex, railway station, bus stand and other commercial shops. If procession is allowed out through this route, it would cause traffic hazard and harassment to general public and others.

iii) There is a possibility to spread of COVID-19.

iv) Cuddalore District is populated by the persons of all religion and caste and if this conference and procession is allowed, there is every possibility that law and order issue will crop up, resulting in causing disturbance to public peace and order.



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v) School going children and public would be put to unnecessary

disturbance and harassment.

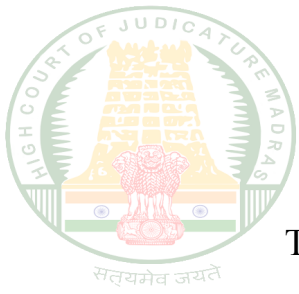
vi) It is said that cinema celebrities and important persons are going to participate in the said conference. Therefore it is not possible to give police protection to all the important persons.

vii) There is possibility that the public would converge to see the cinema personalities. It would again cause traffic jam and other problems.

viii) There is lot of hospitals in and around the Cuddalore . The proposed conference and procession would cause disturbance to the patients who are going and coming out of the hospital.

ix) Popular Front of India and its affiliates were banned by the Central Government of India for five years under the Unlawful Activities (Prevention) Act a few months ago. There is a possibility that Anti-Social Elements would try to infiltrate with the gatherings and cause disturbance to the public place.

x) On the basis of the recommendations of former Justice Mr.P.Venugopal with regard to religious meeting., G.O.No.916 dated 29.04.1986 was issued prohibiting the religious procession through a place predominantly occupied by other religious people.



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Taking all these aspects into consideration, permission was denied.

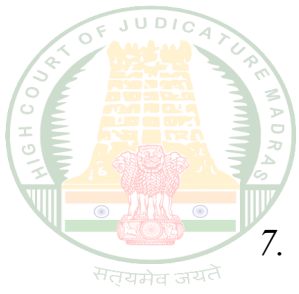
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4. The learned Government Advocate (Crl. Side) further submitted that the leader of the Indu Makkal Katchi, Tamilagam one Arjun Sampath has involved in several criminal cases. There are 38 previous cases pending against him. Thus, he strongly opposed the petition.

5. In response, the learned counsel for the petitioner submitted that the petitioner is prepared to file an undertaking affidavit that the participants in the conference will not indulge in any kind of activities that will endanger the religious peace, harmony prevailing in the area.

6. Considered the rival submissions. Article 25 of Constitution of India gives freedom of conscience and free profession, practice and propagation of religion. It is reads as follows:

"Subject to public order, morality and health and to the other provisions of this part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion".



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7. Therefore, there can be no total ban for the conduct of religious

meeting organized by the petitioner. It is seen from the records that already permission was granted by the Commissioner of Corporation, Cuddalore for the conference at Manjakuppam Ground, Cuddalore. However, it is now reported by the learned Government Advocate (Crl. Side) that permission was cancelled after the Superintendent of Police, Cuddalore had rejected the permission and also for not getting No Objection Certificates from other Departments. This order was passed on 20.01.2023 when the present writ petition is pending. Therefore, this Court will not take into consideration this order.

8. Taking into consideration of all the aspects, including petitioner's right to practice and propagate religion, this Court is of the view that permission may be granted to the petitioner for conduct of conference on 29.01.2023 at Manjakuppam Ground, Cuddalore at 03.00.P.M to 10.00.P.M., subject to necessary and appropriate conditions. However considering that there is every possibility of facing traffic hazard to the general public and there is also a possibility that anti-social elements may infiltrate the procession and cause law and order problems, this Court is not



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inclined to grant permission to the procession requested by the petitioner.

Permission is granted only for conducting the conference from 3 PM to 10 PM on 29.01.2023 at Manjakuppam Ground, Cuddalore. Other authorities concerned are directed to give appropriate permission on filing necessary application's subject to the following conditions:

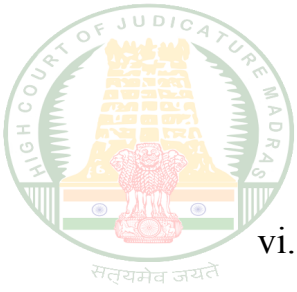
i. During the program, nobody shall either sing songs or speak ill on any individuals, any caste, religion, etc.,

ii. Those who participate in the program shall not for any reason talk or express anything in favour of organizations banned by the Government of India. They should also not indulge in any act disturbing the sovereignty and integrity of our country.

iii. The program should be conducted without causing any hindrance to public or traffic

iv. The organizer(s) shall make adequate arrangements for drinking water and proper First Aid/Ambulance/Mobile Toilets/CCTV Cameras/Fire Fighting equipments etc., in consultation with the Police/Civic/Local Bodies as directed by the police.

v. The organizer(s) shall keep sufficient volunteers to help the police for regulation of traffic and the participants.



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vi. Only box type speakers should be used and output of the speakers

should not exceed 15 watts and within a radius of 30 meters only. Cone

Speakers should not be used at any cost.

vii. Speakers and participants shall not in any manner offend the sentiments of any religious, linguistic, cultural and other groups.

viii. Other suitable and necessary conditions, deemed necessary by the Superintendent of Police.

ix. If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law.

9. With the above observations and directions, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed.

27.01.2023

Index :Yes/No

Internet:Yes/No

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Note; Issue Order Copy today (27.01.2023) itself



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G.CHANDRASEKHARAN, J.

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To

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Govt. of Tamil Nadu,
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2. The Director General of Police,
Mylapore, Chennai – 600 004.
3. The Inspector of Police,
Pudhu Nagar Police Station,
Cuddalore.
4. The Inspector of Police,
Pudhu Nagar Police Station,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

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