

**(2017) 01 MAD CK 0265**  
**In the Madras High Court**  
**Case No : 95 of 2017**

A.JEYAKUMAR

APPELLANT

Vs

THE COMMISSIONER OF POLICE

RESPONDENT

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**Date of Decision :** 06-01-2017

**Acts Referred:**

**Citation :** (2017) 01 MAD CK 0265

**Hon'ble Judges :** G.Chockalingam

**Bench :** SINGLE BENCH

**Advocate :** G.Chockalingam

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## Judgement

1. Challenging the impugned order of the 3rd respondent, dated 01.01.2017, rejecting to grant permission to hold procession and public meeting on 07.01.2017 under the presidentship of Dr.K.Krishnasamy M.D., Ex.M.L.A., the Founder President of Puthiya Tamilagam Political Party, the present writ petition has been filed.

2. According to the petitioner, he is the Organizing Secretary of Puthiya Tamilagam Political Party in Tirunelveli District. His party has decided to conduct a procession and public meeting on 07.01.2017 under the presidentship of Dr.K.Krishnasamy M.D., Ex.M.L.A., the Founder President of Puthiya Tamilagam Political Party in order to condemn the series of murders of Devendrakula youths in the southern Districts of Tamil Nadu State and the forceful acquisition of lands of the poor Dalit people at Manoor Village, Tirunelveli District. In this regard, they have submitted an application on 05.12.2016 to the third respondent seeking permission for the procession and public meeting on 07.01.2017 at Tirunelveli City.

3. On receipt of the said application, the third respondent issued a show-cause notice on 23.12.2016 calling for explanation as to why permission cannot be granted to the petitioner to hold such procession and Public meeting stating that in the route, there are other caste people are living and hence, law and order

problem is apprehended. For that show-cause notice, the petitioner submitted his explanation on 31.12.2016. But, even without considering his explanation, the third respondent has passed the impugned order dated 01.01.2017, rejecting his application.

4. The learned counsel for the petitioner fairly contended that even though his application was rejected, the third respondent has partly allowed his application to conduct public meeting at "Nethaji Arangam" of Tirunelveli City. He further contended that the order of the third respondent is per se illegal, arbitrary and unjustifiable in law and hence, the order of the third respondent has to be set aside and necessary permission has to be granted with any conditions and the petitioner is ready to abide the conditions to be imposed to hold the procession and public meeting on 07.01.2017 at Tirunelveli City.

5. When this case was taken up for hearing on 05.01.2017, the learned Government Advocate submitted that if the petitioner is permitted to hold procession in the route as claimed by him, it will create law and order problem and also traffic congestions. Further, he submitted that if the alleged procession, as requested by the petitioner is permitted, it would cover the Tirunelveli - Palayamkottai main road and it will affect the entire public and cause inconvenience to the public at large. Hence, in order to avoid the unforeseen circumstances and to maintain law and order problem, such permission cannot be granted to conduct such procession.

6. On 05.01.2017, this Court passed the following Order: "Both parties are directed to file a report regarding the route of procession. Learned counsel for the petitioner is directed to furnish the route of procession, sought for, from the respondent Police. The learned Government Advocate is also directed to suggest the route of procession, if any, that is not affecting the traffic etc., For filing report by both parties, post the case on 06.01.2017."

7. Heard the submissions made on either side and perused the documents carefully.

8. Today, when the matter is taken up for hearing, both the petitioner and the respondent filed a plan specifying the route of procession. On a perusal of the route suggested by the Police, it is very clear that the Police is permitting the petitioner to conduct procession from St. John's College Hostel to Nehruji Kalaiyarangam via St.Xavier's Collge, Maria Canteen, Library, BSNL Office, PPL Marriage Hall and Azhagumuthu Kone Statute i.e the blue-marked line, as suggested by the police. But, the petitioner insisted to take procession in the red-marked portion. However, in view of the objection raised by the respondents, this Court is of the considered opinion that in order to avoid law and order problem, inconvenience to public and also to maintain public peace, the procession should be conducted in the blue-marked route, as suggested by the Police.

9. In the result, this writ petition is disposed of with a direction to the third respondent to permit the petitioner to carry out procession in the blue-marked

route in the plan, as suggested by the police. The petitioner and their people are directed to strictly adhere the conditions imposed on them to conduct procession. If any deviation or contravention to the conditions by the petitioner or their men is noticed, the petitioner is held responsible for all the consequences. No costs.