

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.24540, 24542, 24543, 24544, 24546 to 24549, 24551, 24936,
24942, 24943, 24945, 24946, 24982, 25033, 25076, 25081, 25082,
25084, 25085, 25086, 25088, 25089, 25125, 25130, 25208, 25213,
25227, 25234, 25260, 25264, 25270, 25273, 25277, 25393, 25396,
25432, 25435, 25437, 25438, 25440, 25541, 25442, 25445, 25447,
25570, 25574, 25579 of 2022

and

W.M.P.Nos.23505, 23509, 23510, 23513, 23516, 23511, 23515, 23517,
23518, 23877, 23885, 23886, 23887, 23888, 23917, 23979, 24033,
24036, 24041, 24069, 24215, 24218, 24223, 24229, 24232, 24577,
24420, 24424, 24423, 24370, 24374, 24419, 24425, 24462, 24422,
24427, 24435 of 2022

W.P.No.24540 of 2022 :-

S.Shanmugasundaram

...Petitioner

-Vs-

1. The State of Tamil Nadu
Rep by its Secretary,
Home Department,
Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

3. The Superintendent of Police,
Cuddalore District,
Cuddalore – 607 001.

4. The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore – 607 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents herein to permit the petitioner and the member of Rashtriya Swayam Sevak Sangh (RSS) to conduce the procession (Route March) wearing their Uniform (Dark Olive Green Trousers, White Shirt, Cap, Belt, Black Shoes) lead by a musical band from Subbarayalur Reddiar Thirumana Mandapam, Manjakuppam to Manjakuppam Ground (Via old Collector office road, Anna Nagar Main Road, Beach Main Road, Four Corner Road, Pudupalayam junction, Bharathi Road) on 02.10.2022 at 3.00 pm., and conduct a public meeting on Manjakuppam Ground at 5.00 p.m., to 6.30 pm., pursuant to the petitioner's representation to the fourth respondent dated 25.08.2022.

In all W.Ps.

For Petitioner : Mr.S.Prabhakaran, Senior Counsel &
Mr.N.L.Rajah, Senior Counsel &
Mr.G.Raja Gopal, Senior Counsel
For Mr.B.Rabu Manohar

For Respondents : Mr.Hasan Mohammed Jinnah
State Public prosecutor
Assisted by Mr.E.Raj Thilak
Additional Public Prosecutor &
Mr.S.Santhosh,
Government Advocate (Crl. Side)

COMMON ORDER

These Writ Petitions have been filed for directions directing the respondents to permit the petitioners to conduct procession (route march) wearing their uniform lead by a musical band in various places on 02.10.2022 at different times, all over Tamil Nadu.

2. The petitioners are functioning as various posts of Rashtriya Swayam Sevak Sangh (herein after referred to as “RSS”). It is found in the year 1925. In order to celebrate 75th year of Independence, the birth centenary of Barath Ratna Dr.B.R.Ambedkar and Vijaydasamy, they decided to take out procession on 02.10.2022 at various places and to conduct a public meeting on the same day. Therefore, the petitioners have submitted their respective representations under Section 41(A) of the Chennai City Police Act (herein after referred to as “the Act”) and Section 30(2) of the Police Act, requesting the authorities concerned to grant permission to the petitioners to conduct procession on 02.10.2022 and also to conduct public meeting. However, their applications are pending on the file of the authorities concerned and not yet decided till now. Therefore, the petitioners were constrained to file these Writ

Petitions seeking direction to grant necessary permissions to conduct procession and for the public meeting on 02.10.2022.

3. Heard Mr.S.Prabhakaran, learned Senior Counsel, Mr.N.L.Rajah, learned Senior Counsel, and Mr.G.Rajagopalan, learned Senior Counsel appearing for the petitioners and Mr.Hasan Mohammed Jinnah, learned State Public Prosecutor appearing for the respondents in all the Writ Petitions.

4. The details of the representations submitted by the respective petitioners for seeking permission, are as follows :-

Sl.No	Writ Petition	Place	Route & timings
1	W.P.No.24540 of 2022	Cuddalore	From Subbarayalu Reddiar Thirumana Mandapam, Manjakuppam, Cuddalore to Manjakuppam Ground (Via old Collector Office Road, Anna Nagar Main Road, Beach Main Road, Four Corner Road, Pudupalayam junction, Bharathi Road) on 02.10.2022 at 3.00 p.m. And conduct a public meeting on Manjakuppam Ground, Cuddalore, from 5.00 p.m., to 6.30 p.m.
2	W.P.No.24542 of 2022	Chennai	From Dr.Nalli Kuppuswamy Vivekananda Vidyalaya, Korattur to Dr. Nalli Kuppuswamy Vivekananda Vidyalaya, Korattur, (Via 17 th Street, 31 st Street, North Avenue, Station Road Bridge, NRS Road, Sivalingapuram, Ellaiamman Nagar) on 02.10.2022 at 3.00 p.m., and conduct a public meeting on Dr.Nalli Kuppuswamy

Sl.No	Writ Petition	Place	Route & timings
			Vivekananda Vidyalaya, Korattur, from 6.00 p.m., to 7.30 p.m.
3	W.P.No.24543 of 2022	Villupuram	From Municipality Ground Near New Bus Stand, Villupuram to Old Bus Stand, Villupuram (Via Chennai to Trichy Main Road, Kamarajar Street, Thiru Vi Ka Street, PJN Road) on 02.10.2022 at 3.00 p.m., and conduct a public meeting near Villupuram Old Bus stand, from 5.00 pm., to 6.30 p.m.,
4	W.P.No.24544 of 2022	Gobi Chettipalayam	From Gobi Town to Muthu Mahal Arch, Gobi, (Via Modachur (Thandhondri Amman Koil, Muthu Mahal Arch) on 02.10.2022 at 3.00 p.m., and conduct a public meeting on Muthu Mahal Arch, Gobi, from 5.00 p.m., to 6.30 p.m.,
5	W.P.No.24546 of 2022	Srivilliputtur	From Pathavinayagar Kovil, Srivilliputtur to Theradi (Via Kamarajar Salai, Maraiamman Kovil, East Car Street) on 02.10.2022 at 4.25 pm., and conduct a public meeting on Theradi, Srivilliputtur, from 6.00 p.m., to 7.30 p.m.,
6	W.P.No.24547 of 2022	Mulanur (Tiruppur)	From Sakthi Agency, Mulanur to NSN Mahal, Mulanur (viz SMW Mill, Karur Main Road, Sanarpalayam Road) on 02.10.2022 at 5.00 p.m., and conduct a public meeting on NSN Mahal, Mulanur, from 6.00 to 7.30 p.m.
7	W.P.No.24548 of 2022	Erode	From Sengunthar Higher Secondary School, Erode to Anjaneyar Temple, Kallukadai Medu, Erode (Via Eswaran Kovil Street, Mani Koondu, Periyar Mandram, Katcheri Street, Marapalam Road) on 02.10.2022 at 3.00 pm., and conduct a public meeting on back side of Anjaneyar Temple, Kallukadai Medu, Erode, from 5.00 p.m., to 6.00 p.m.
8	W.P.No.24549 of 2022	Namakkal	From Poongasalai, Namakkal to Poongasalai, Namakkal (Viz Poongasalai, Trichy Road, State Bank, Mohanoor Road, Iyappan Kovil, S.P.Puthur, Poongasalai) on 02.10.2022 at 3.00 p.m. and conduct a public meeting on Poogasalai, Namakkal, from

Sl.No	Writ Petition	Place	Route & timings
			5.00 p.m., to 8.00 p.m.,
9	W.P.No.24551 of 2022	Salem	From Pandurangan Vital Street, Kalarampatti, Salem to Dhadhagapatti Gate, Salem (Via Karungalpatti Main Road, Prabath theatre, Trichy Road, Pillukadai) on 02.10.2022 at 3.00 p.m., and conduct public meeting on Dhadhagapatti Gate Thidal, Salem, from 4.30 p.m., to 6.00 p.m.
10	W.P.No.24936 of 2022	Perambalur	From Palakarai Roundana, Perambalur to West Radio Thidal, Perambalur (Via Krishna Theatre, Roever Arch, Raja Theatre, Elambalur Road, Kamarajar Arch, Gandhi Statue) on 02.10.2022 at 4.00 p.m., and conduct a public meeting at West Radio thidal, Perambalur at 5.15 p.m., to 7.00 p.m.
11.	W.P.No.24942 of 2022	Chengalpattu	From old Bus Stand, Chengalpattu to Vivekananda Vidyalaya, Chengalpattu (Via Mettu Street, Anna Salai, Kundur, Azhagesan Nagar, Main Road Anna Nagar 1 st street) on 02.10.2022 at 3.00 p.m., and conduct a public meeting near KCJ Vivekananda Vidyalaya, Chengalpattu, from 5.00 p.m., to 7.00 p.m.
12.	W.P.No.24943 of 2022	Kumbakonam	From Gandhi Road, Kumbakonam to Gandhi Road, Kumbakonam (via Head Post Office, Diamond Theatre, TSR Periya Kadai Street, Pookadai Street, Tanjore Main Road, Devan Hotel, Morning Star School) on 02.10.2022 at 3.00 p.m., and conduct a public meeting near Raya Kalayana Mahal, Gandhi Road, Kumbakonam, from 5.00 p.m., to 7.00 p.m.
13.	W.P.No.24945 of 2022	Thiru mangalam	From Surya Mahal, Thirumangalam to Rajaji Statue, Thirumangalam (via Surya Mahal, Aatu Santhai, Usilampatti Road, Devar Statue, Munsif Court Road, Bharathiyar Street, Suma Hospital, D.S.P. Office, Bus Stand) on 02.10.2022 at 3.00 p.m., and conduct a public Meeting near Rajaji Statue, Thirumangalam, from 6.00

Sl.No	Writ Petition	Place	Route & timings
			p.m., to 8.00 p.m.
14.	W.P.No.24946 of 2022	Pattukottai	From Kasankulam Keelkarai, Pattukottai to Post Office, Pattukottai (Via Thenkarai Melkarai, Post office, manikoundu, Aranathangi Mukkam, Samiyarmadam) on 02.10.2022 at 3.00 p.m., and conduct a public meeting near post office Corner, Pattukottai, from 6.00 p.m., to 8.00 p.m.
15.	W.P.No.24982 of 2022	Coimbatore	From Saratha Mill Road, Coimbatore to Masarayan Kovil Thottam, Coimbatore (Via Sangam Veethi, Machampalayam, Idaiyarpalayam, Saraswathi Ramachandra Palli street, Machapalayam Road) on 02.10.2022 at 2.00 p.m., and conduct a public meeting on Masarayan Kovil Thottam, Coimbatore, from 6.00 p.m., to 9.0 p.m.,
16.	W.P.No.25033 of 2022	Karambakudi (Aranthangi)	From Muthu Karuppaiya Swamy Kovil Entrance, Karambakudi to Seenikkadai Mukkam, Karambakudi (via Murugan Kovil Back Side Road, Thiruvonam Road, Thattara Theru, Narangipattu Road, Katcheri Veethi, Bus Stand, Gandhi park) on 02.10.2022 at 5.00 p.m., and conduct a public meeting on Seenikkadai Mukkam, Karambakudi, from 6.00 p.m., to 7.30 p.m.
17.	W.P.No.25079 of 2022	Pollachi	From Rajeshwari Mahal, Palladam Road, Pollachi to Rajeshwari Mahal, palladam Road, Pollachi (Via Thermutte, Chatharam Street, Bazzar Street, Venkatramanan Street, Central Bus Stand, Gandhi Statute) on 02.10.2022 at 3.00 p.m., and conduct a public meeting in front of Rajeswari Mahal at Palladam Road, Pollachi, from 7.00 p.m., to 9.30 p.m.
18.	W.P.No.25081 of 2022	Kanchipuram	From Ground nearby Hotel Saravana Bhavan, Gandhi Road, Kanchipuram to Ground nearby Hotel Saravana Bhavan, Gandhi Road, Kanchipuram (Via Vallal Panchayappan Street, Bus Stand Back Side, CSI Hospital, Sekkupettai Nadu Street,

Sl.No	Writ Petition	Place	Route & timings
			Ennaikara Street, Railway Road) on 02.10.2022 at 4.30 p.m.,and conduct a public meeting on Ground nearby Hotel Saravana Bhavan, Kanchipuram, from 6.00 to 8.00 p.m.
19.	W.P.No.25082 of 2022	Dharmapuri	From Variyar Thidal, Kumarasamy pettai to Variyar Thidal, Kumarasamy pettai (Via Four Road, Periyar Statue, S.V.Road, Municipal Park, Nethaji Bye Pass Road, Govt. G.H. Hospital) on 02.10.2022 at 3.00 p.m., and conduct a public meeting on Variyar Thidal, Kumarasamy pettai, from 6.00 p.m., to 8.00 p.m.
20.	W.P.No.25084 of 2022	Madurai	From Vadiyur Perumal Kovil, Madurai to Ambiga Theatre, Madurai (Via Anumarpatti, Vandiyur Main Road, Sourastrapuram, Melamadai Main Road, Suguna Store, Anna Nagar 80 feet Road) on 02.10.2022 at 4.30 p.m., and conduct a public meeting near Ambiga theatre, Madurai, from 6.00 p.m., to 8.00 p.m.
21.	W.P.No.25085 of 2022	Arakkonam	From Sri Selva Vinayagar Kovil (TNHB Main Road,) Arakkonam to Dr. Ambedkhar Century Arch, Arakkonam (Via Indra Gandhi Statue, Taluk Office, Gandhi Road, Old bus stand, Market) on 02.10.2022 at 3.00 p.m., and conduct a public meeting on private ground opposite Jai Bhim Arch, Arakkonam, from 5.00 p.m., to 7.00 p.m.
22.	W.P.No.25086 of 2022	Trichy	From Mrakadai M.G.R. Statue, Trichy to Mela Chinthamani, Trichy (Via Gandhi Market, Periya Kadai Veethi, NSB Road, Nandhi Kovil Street, Kaliyamman Kovil Street) on 02.10.2022 at 4.00 p.m., and conduct a public meeting on mela Chinthamani, Trichy, from 5.30 p.m., to 7.30 p.m.,
23	W.P.No.25088 of 2022	Palani	From Pathavinyagar Kovil, Palani to Theradi, Palani (Via Thiruaavinankudi, Devar Statue, Mayil Roundana, Vel Roundana, Gandhi Market, periyakada

Sl.No	Writ Petition	Place	Route & timings
			Veethi, South Car Street, West Car Street) on 02.10.2022 at 4.25 p.m., and conduct a public meeting on Theradi, Palani, from 6.00 p.m., to 8.00 p.m.
24.	W.P.No.25089 of 2022	Ariyalur	From Anna Statue, Ariyalur to Anna Statue, Ariyalur (via Theradi bus stop, Chatram bus stop, Madha Kovil bus stop, Theradi) on 02.10.2022 at 3.00 p.m., and conduct a public meeting near Anna Statue, Ariyalur, from 5.00 p.m., and 7.00 p.m.
25.	W.P.No.25125 of 2022	Urapakkam (Tambaram)	From Sri Sankara Vidhyalaya Matriculation Higher Secondary School, Urapakkam to Sri Sankara Vidyalaya Matriculation Higher Secondary School, Urapakkam (Via Iyyenchery Main Road, Karanai Puducherry Road, Palayathamman Kovil Street, Kanthan Street, Eswaran Kovil Street, Sökkathamman Kovil Steet) on 02.10.2022 at 3.00 pm., and conduct a public meeting on Sri Sankara Vidyalaya Matriculation Higher Secondary School, Urapakkam, from 5.00 p.m., to 7.00 p.m.
26.	W.P.No.25130 of 2022	Chinnamanur (Theni)	From Kannadi Kadai Junction, Chinnamanur to Kannadi kadai Junction, Chinnamanur (Via Muthalamman Kovil, Panchayat Union Office Road, Theni – Cumbum Highways, Santhi Mess, Agraharam) on 02.10.2022 at 4.15 p.m., and conduct a public meeting near Kannadi Kadai Junction, Chinnamannur, from 5.45 p.m., to 7.45 p.m.
27.	W.P.No.25208 of 2022	Arani	From Dharumaraja Kovil Mythanam, Arani to En Mahal, Vellore Road, Arani (via Chinakadai Street, Erikarasi Arasamaram, Anna Statue, Bazaar Road, Balaji Restaurant) on 02.10.2022 at 3.00 p.m., and conduct a public meeting at En Mahal, Arani, from 4.45 p.m., to 7.00 p.m.
28.	W.P.No.25213 of 2022	Tiruvallur	From Meera Theatre, Thiruvallur to Venkateswara Matric School, Tiruvallur (via Nethaji Road, Perumal Kovil Street,

Sl.No	Writ Petition	Place	Route & timings
			Vadukku Raja Street, Mothilal Street, Theradi, Kulakkarai Street) on 02.10.2022 at 3.00 p.m., and conduct a public meeting at Venkateswara Matric School, Tiruvallur, from 5.00 p.m., to 7.00 p.m.
29.	W.P.No.25227 of 2022	Ambur	From Murugal Theatre, Ambur to Perumal Kovil Ambur (Via Ambur bye pass road, Nethaji Road, Bazzar Road, S.K.Road) on 02.10.2022 at 3.00 p.m., and conduct a public meeting at Vallalar Madam, by pass road, Ambur, from 5.00 p.m., to 7.00 p.m.
30.	W.P.No.25234 of 2022	Thoothukudi	From Bharat Ratna Kamaraj Matric School (near Kamaraj College, Thoothukudi to Chidambara Nagar (Maiyavadi) Stop, Thoothukudi (via Levinchipuram Water Tank, Briyant Nagar 4 th Street, VVD Signal) on 02.10.2022 at 4.00 p.m., and conduct a public meeting at Chidambara nagar (Maiyavadi) Stop, Thoothukudi, from 5.30 p.m., to 7.30 p.m.
31.	W.P.No.25260 of 2022	Thiruvanna malai	From Krishnar Temple, Krishnan Street, Thiruvannamalai to Amutha Thirumana Mandapam, Thiruvannamalai (Via Kattabomman Street, Ayyangulam Street, Ayyankula Agrakara Street, Sannathi Street, Car Street, Chinnakada Street) on 02.10.2022 at 3.00 p.m., and conduct a public meeting at Anna Statue, Thiruvannamalai, from 4.25 p.m., to 6.30 p.m.
32.	W.P.No.25264 of 2022	Ramanatha puram	From Aranmani, Ramanathapuram to Aranmani, Ramanathapuram (Via Sigil Raja Veethi, Kenikkarai Vazhivudu Murugan Temple, Vandikkara Street, Agraharam Road) on 02.10.2022 at 5.00 p.m., and conduct a public meeting near Aranmani, Ramanathapuram, from 6.30 p.m., to 8.30 p.m.
33.	W.P.No.25270 of 2022	Vellore	From Sathuvachari Collector Office Junction, Vellore to Anna Kalai Arangam,

Sl.No	Writ Petition	Place	Route & timings
			Vellore. (Via Kakitha Pattarai, CMC Hospital, Mandi Street, Vempuli Amman Street, Builder butt Road) on 02.10.2022 at 5.00 p.m., and conduct a public meeting at Kottai Round Road, Vellore, from 6.00 p.m., to 8.00 p.m.
34.	W.P.No.25273 of 2022	Vedaranyam	From Sri Varadharaja Perumal Temple, Thopputhurai, Vedaranyam to South Main Street, West end, Vadaranyam (Viz Nagai Road, North Main Street, North main Street, East Main Street, South main Street) on 02.10.2022 at 3.00 p.m., and conduct a public meeting at South Main Street West end, Vedaranyam, from 6.00 p.m., to 8.00 p.m.
35.	W.P.No.25277 of 2022	Karur	From Light House, Karur to Light House, Karur (via Light House Roundana, Old Bus Stand, Bama Medicals, New Bus Stand, Thinappa Theatre, G.H., Municipal Office, Dindigul corner) on 02.10.2022 at 5.00 p.m., and conduct a public meeting at Light House Corner, Karur, from 6.00 p.m., to 8.00 p.m.
36	W.P.No.25393 of 2022	Palladam	From Angalamman Kovil opposite Kosavanpalayam road, Palladam to N.G.R. Road, palladam (via Palladam Kovai Road, G.H., Axis Bank Street, New Extension Street, Veera Kumar Mahal, Vadugaplayam Road, Muniyaapan Kovil, Veterinary Hospital, Palladam-Pollachi Road, Palladam 4 Road, Court Street, Post Office Street, Patel Street) on 02.10.2022 at 5.00 p.m., and conduct a public meeting near N.G.R.Road, Palladam, from 6.00 p.m., to 8.00 p.m.,
37.	W.P.No.25396 of 2022	Hosur	From Bagalur, Hudco, Hosur to Appavu Nagar, Hosur (Via Taluk Office Road, G.H. Tank Street, Ram Nagar 1 st Cross, Thalli Road) on 02.10.2022 at 3.00 p.m., and conduct a public meeting at Exhibition ground, near V.J. Function Hall Thalli

Sl.No	Writ Petition	Place	Route & timings
			Road, Hosur, from 5.00 p.m., to 7.30 p.m.
38.	W.P.No.25432 of 2022	Gandharava kottai	From MRS Mandapam, Gandharvakottai to Vellaimuniswarar Kovil, Gandharvakottai (Via Karambakudi Road, Arulmari Matric School, Periyakadai Road, Bus stand, AIT Mandapam, Main Road) on 02.10.2022 at 5.00 p.m., and conduct a public meeting at Vellai Munishwarar Kovil, Gandharvakottai, from 6.00 p.m., to 8.00 p.m.
39.	W.P.No.25435 of 2022	Alwar Thiurnagari	From Kallabiran Temple to VOC Thidal (Via Ambala Street, Sivan Koil Street, Yadav Street, Masi Street, Mutharamman Koil Street, on 02.10.2022 at 3.00 p.m., and conduct a public meeting at VOC Thidal, from 6.00 p.m., to 8.00 p.m.
40.	W.P.No.25437 of 2022	Thenkasi	From North Chariot Street, Senai Thalaival Primany School, Sankarankoil to Gandhi Statue (via Rajapalayam Main Road, State Bank, Thiruvallurvar Nagar, Geethalaya Theatre, Thiruvengadam Street, Raju Jinning Factory, Pudhu Manai Kazhugu Malai Road) on 02.10.2022 at 3.00 p.m., and conduct a public meeting from 6.00 p.m., to 8.00 p.m.
41	W.P.No.25438 of 2022	Attur (Salem)	From Old Bus stand, Attur to Ranipet thidal, Attur (via Kadai Veethi, Thaiyumanavar Street, Arunagirinathar Street, Kamarajar Road, Sarada Petrol bunk) on 02.10.2022 at 3.00 p.m., and conduct a public meeting at Ranipet thidal, Attur, from 5.00 p.m., to 7.00 p.m.
42	W.P.No.25440 of 2022	Amba samudram	From Krishnan Kovil, Ambasamudram to Krishnan Kovil, Ambasamudram (via Pookadai Mukku, Pudhu Grammam Street, Thirumajanam Street, Nagaladi Street, Sankaran Kovil Road, Senkunthar Street, Palapannai Street, College Road, North Car Street, East Car Street) on 02.10.2022 at 4.25 p.m., and conduct a public meeting near Krishnan Kovil, Ambasamudram, from 6.00 p.m., to 8.00 p.m.

Sl.No	Writ Petition	Place	Route & timings
43.	W.P.No.25541 of 2022	Nilagiri	From Race View Road (near Mahindra and Mahindra – Derby Green) Ettines Road, Udhagamandalam, The Nilgiris to Gandhi Maidhan, Ettines Road, Udhagamandalam, The Nilgiris (Via Central Bus Stand, Main Bazaar Road, Blue Mountain Circle, Commerical Road, Charring Cross Junction (Gandhiji Statue) Charring Cross Post Office, Ettines Road) on 02.10.2022 at 3.00 p.m., and conduct a public meeting near Gandhi Maidhan, from 6.00 p.m., to 8.00 p.m.
44.	W.P.No.25442 of 2022	Arumanai (Kanya kumari)	From Aided Higher Secondary School, Arumanai to V.T.M. Arts and Science College Kanchuluvilai, Arumanai (Via Arumanai Junction, Mela Theru, Kanchuluvilai) on 02.10.2022 at 3.00 p.m., and conduct a public meeting V.T.M.Arts and Science College, Kanchuluvilai, Arumanai, from 5.00 to 7.00 p.m.
45	W.P.No.25445 of 2022	Nagercoil	From Nagaraja Thidal, Nagercoil to S.T. Hindu College, Nagercoil, (Via Head Post Office, Tower junction, Veppumoodu junction, Chettikulam junction) on 02.10.2022 at 4.00 p.m., and conduct a public meeting at S.T.Hindu College, Nagercoil, from 5.30 p.m., to 7.30 p.m.
46	W.P.No.25447 of 2022	Kallakurichi	From V.A.S.Mahal, Kallakurichi to Mandhavali, Kallakurichi (Via Salem Main Road, Kadai Veethi, Kulathu Mettu Street, Gandhi Road, Kachirayapalayam road, Krishnar Kovil Street, Chithery Street, Gramchavedi Street) on 02.10.2022 at 3.00 p.m., and conduct a public meeting at Mandhavali, Kallakurichi, from 5.00 p.m., to 7.00 p.m.
47	W.P.No.25570 of 2022	Gudalur	From Sathuvachari Collector Office Junction, Vellore to Anna kalai Arangam, Vellore (Viz Kakitha Pattarai, CMC Hospital, Mandi Srteet, Vempuli Amman Street, Builder Butt Road) on 02.10.2022 at

Sl.No	Writ Petition	Place	Route & timings
			5.00 p.m., and conduct a public meeting at Kottai Round Road, Vellore, from 6.00 p.m., to 8.00 p.m.
48.	W.P.No.25574 of 2022	Mettupalayam	From Padhmalaya Garden to Abirami Theatre (via Mahadeva Puram, Kattur, Sivam Theatre, Five Corner Bus Stand) on 02.10.2022 at 5.00 p.m., and conduct a public meeting from 4.00 p.m., to 5.00 p.m.
49.	W.P.No.25579 of 2022	Sivagangai	From Vathiyar Ayya Temple to Seerani Arangam (Viz Karaikudi Road, Koothadhi Amman Koil Street, New Colony, Vinayagar Temple, Keelakapu Road, Keezha Theru, Chetti Oorani, Chandhi Veera Koodam, Mangala Vinayakar Street, Behind Post Office, RMS Hospital, G.H Road, Dindigul Main Road, via Sundar Nagar Arch, 4 Roads) on 02.10.2022 at 5.00 p.m., and conduct a public meeting from 4.00 p.m., to 5.00 p.m.

Since the above representations are not considered, the petitioners approached this Court by way of the present Writ Petitions.

5. It is relevant to extract the provisions under Section 41 of the Act, as follows :-

“41. Power to regulate assemblies, meetings and processions in public places, etc.- (1) The Commissioner, or subject to his orders, any Police-officer above the rank of head constable may, from time to time, as occasion may require direct the conduct of all assemblies, meetings and processions in public places; prescribe the routes by which and the times at which

such processions may pass; keep order in public places and prevent obstructions on the occasion of such assemblies, meetings and processions, and in the neighbourhood of places of worship during the time of public worship and in any case when public places may be thronged or liable to be obstructed; and may licence and regulate or prohibit the use of music or of sound amplifiers in any area.

.....

41A. Power to prohibit drill or training by five or more persons, etc. - (1) (a) The Commissioner may, whenever he considers it necessary so to do for the preservation of the public peace or public safety or for the maintenance of public order, by order in writing, prohibit the holding of, or taking part in, any drill with arms or training with arms by five or more persons in any place, whether public or private, or the carrying of arms in any procession.

(b) The Commissioner may, whenever he considers it necessary so to do for the preservation of the public peace or public safety or for the maintenance of public order, by order in writing, prohibit -

(i) the use of gestures or mimetic representations or playing of tapes or gramophone records or other instruments in which speeches or songs are recorded, or

(ii) the preparation, exhibition or dissemination of pictures, symbols, play cards, signs, visible representations or any other object or thing, which may, in the opinion of the Commissioner, offend against decency or morality, or promote on ground of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony, feelings of enmity or hatred or ill-will between different religious, racial, language or regional groups or castes or communities.

(2) No prohibition under this section shall remain in force for more than three months:

Provided that if the State Government consider it necessary so to do for the preservation of the public peace or public safety or for the maintenance of public order, they may, by notification, direct that the order issued under subsection (1) shall remain in force for such further period not exceeding six months from the date on which such order would have, but for such notification, expired, as they may specify in the said notification.

(3) Whoever contravenes any prohibition made under this section shall, on conviction, be liable to imprisonment for a term which may extend to six months and with fine which may extend to two thousand rupees.

(4) Nothing contained in clause (a) of sub-section (1) shall apply to -

(i) the holding of, or taking part in, any drill with arms or training with arms held by the, -

(a) members of Home Guards;

(b) members of Bharat Scouts and Guides in their capacity as such members;

(c) Police personnel;

(d) Fire Service personnel;

(e) Jail Service personnel;

(f) members of the Armed Forces of the Union including the National Cadet Corps; or

(ii) the doing of any physical exercise other than drill with arms or training with arms.

(5) Notwithstanding anything contained in this section, if the State Government are satisfied that it is necessary or expedient in the public interest so to do, they may, by notification, exempt, subject to such conditions as they deem fit, any person or class of persons from the provisions of clause (a) of sub-section (1) of this section.

Explanation. - For the purposes of this section "arms" means any type of offensive weapon and includes lathi and stick."

Thus, it is clear that the power to prohibit drill training as assembly or procession is available only to the Commissioner under Section 41(2) of the Act. It is also restricted by the proviso there under.

6. It is also relevant to extract the provisions under Section 30(2) of the Police Act, as follows:-

“30. Regulation of public assemblies and processions and licensing of the same:- (1) The District Superintendent or Assistant District Superintendent of Police may, as occasion required, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass. (2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district, or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license. (3) On such application being made, he may issue a license, specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section: Provided that no fee shall be charged on the application for, or grant of

any such license. (4) Music in the streets:- He may also regulate the extent to which music may be used in streets on the occasion of festivals and ceremonies.]
COMMENTS The police is empowered to regulate public assemblies and processions and licensing of the same. Violation of any of conditions of the license granted under this section will entail penalty postulated by section 32.

30A. Powers with regard to assemblies and processions violating conditions of licence:- (1) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly, which violates any such conditions, as aforesaid, to disperse. (2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section, shall be deemed to be an unlawful assembly.”

7. While this Court dealing with the similar matter in the batch of Writ Petitions in W.P.No.28677 of 2014 etc., by an order dated 07.11.2014 held that as per the provisions under Section 41(3)(a) of the Chennai City Police Act, a person intending to take out a procession,

may make an application to the Commissioner seeking permission, even if a prohibitory order is in force under Section 41(2) of the Act. As per Section 41(3)(b) of the Act, the grant of permission for convening an assembly or meeting and promoting a procession, is the rule and the refusal of permission is the exception. Both the provisions do not confer any power upon the police to issue an order prohibiting any assembly or procession. It merely enable the District Superintendent of Police to require by a general or special notice, all persons who want to hold an assembly or organise a procession, to apply for a licence.

8. All the petitioners sought for permission to take out procession and to conduct public meeting. Therefore, they do not fall under the category, those where a right is claimed as an essential part of the profession of any religion, since the petitioners do not claim that they seek to take out a procession as an essential part of any religious rite. Further the respondents are kept the petitions for seeking permission to conduct procession and public meeting pending without passing any orders for the past nearly one month.

9. The Hon'ble Supreme Court of India in the case of ***Mazdoor***

Kisan Shakti Sangathan Vs. The Union of India and anr in ***W.P.(Civil)No.1153 of 2017*** by an order dated **23.07.2018** held that the fundamental right of the citizens to hold peaceful demonstrations and protest in order to bring out their grievances to the notice of the authorities in power so that the concerned authorities are awakened and attend to their grievances as well as take remedial measures. Therefore, there could not have been a complete ban on demonstration in the area in question. Undoubtedly, holding peaceful demonstration by the citizen in order to air its grievances and to ensure that these grievances are heard in the relevant quarters, is its fundamental right. This right is specifically enshrined under Article 19(1)(a) and 19(1)(b) of the Constitution of India. It confers a vary valuable right on the citizens viz., right of free speech and it gives right to assemble peacefully without arms.

10. Insofar as the Union Territory of Puducherry is concerned, the Superintendent of Police (East), Puducherry by an order dated 16.09.2022 granted permission with certain conditions. The petitioners also under take before this Court that they will abide any conditions as imposed by this Court.

11. In view of the above order passed by the Hon'ble Supreme

Court of India as well as various orders passed by this Court, it would be appropriate to direct the respondents to grant permission to conduct procession and to conduct public meeting on 02.10.2022 at various places subject to the following conditions on or before 28.09.2022:-

- i. During the program, nobody shall either sign 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 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 participants shall not bring any stick, lathi or weapon that may cause injury to any one.
- v. 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.
- vi. The procession shall proceed in any orderly manner along the

sanctioned route keeping to the left and shall not halt on the way or cause impediment to the normal flow of traffic. The procession shall occupy only one-fourth of the road.

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

viii. The organizer(s) of procession/rally shall be responsible for ensuring that the route permitted to them by the Police Authorities is strictly followed.

ix. 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.

x. In the procession, the processionists shall not in any manner offend the sentiments of any religious, linguistic, cultural and other groups.

xi. An undertaking to reimburse the cost for any damage that may occur enroute to any public/private property and an undertaking to bear the compensation/replacement costs as well, if any, to be awarded to any other institution/person, who may apply for the same.

xii.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

12. With the above directions, all the Writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

22.09.2022
(1/3)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

rts

Note: Issue order copy on or
before 26.09.2022

To

1. The Secretary,
State of Tamil Nadu,
Home Department,
Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
3. The Superintendent of Police,
Cuddalore District,
Cuddalore – 607 001.
4. The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore – 607 001.
5. The Public prosecutor,
Madras High Court,
Chennai.

W.P.Nos.24540 of 2022 etc.

G.K.ILANTHIRAIYAN. J.

rts

W.P.No.24540 of 2022 etc.,

22.09.2022
(1/3)