

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 01.10.2024

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

W.P.Nos.27983, 27984, 28008, 28056, 28053, 28013, 28040, 28017, 28025,
28031, 28036, 28057, 28060, 28071, 28106, 28139, 28143, 28163, 28176,
28196, 28228, 28231, 28235, 28232, 28277, 28279, 28291, 28296, 28317, 28319,
28385, 28399, 28403, 28405, 28408, 28411, 28419, 28427, 28435, 28464,
28481, 28497, 28498, 28508, 28512, 28515, 28578, 28582, 28593, 28626,
28717, 28718, 28720, 28725, 28727, 28790, 28793 and 28882 of 2024

W.P.No.27983 of 2024

K.Sethuraj

... Petitioner

/versus/

1.The State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St.George,
Chennai - 600 009

2.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai - 600 004.

3.The Superintendent of Police,
Dindigul District.

4.The Inspector of Police,
Oddanchatram Police Station,
Oddanchatram

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the respondent's herein to permit the



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petitioner and other members to take out a Procession (Route March) wearing their uniforms led by a musical band on 06.10.2024 at 4.00.p.m from near Checkpost roundana, Oddanchatram, Police Station front Road, Bus Stand Front Road, Tharapuram Road, EB Office near to Karthik Theatre Tharapuram Road (Route Enclosed) and hold a public Meeting in Karthik Theatre Opposite Tharapuram Road (near Chitra complex) at 6.00.p.m .

For Petitioners : Mr.N.L.Rajah, Senior Counsel
: Mr.G.Karthikeyan, Senior Counsel
: Mr.G.Rajagopalan, Senior Counsel
: Mr.R.C.Paul Kanagaraj

For Respondents : Mr.K.M.D.Muhilan (all cases)
Government Advocate (Crl.Side)

COMMON ORDER

The batch of Writ Petitions are filed being aggrieved by the inaction on the part of the police, on the representations given by the organizers of *Rashtriya Swayam Sevak Sangh* (in short: 'RSS') seeking permission to conduct Route March on 06.10.2024.

2. The refusal of permission or inaction on the part of the police not considered the request for conducting Route March by *RSS* is not new to the organisation or to this Court. In more than 10 cases, this Court either by a Single Judge and by Division Bench had directed the police to grant permission

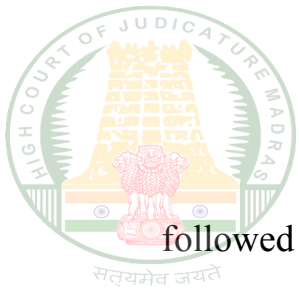


with conditions. Even last year, when similar request was made by *RSS*, the

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police refused to grant permission and the organizers came to this Court. This Court allowed the writ petition directing the police to grant permission on certain conditions. However, the order was not complied. Hence the organizer filed contempt petition, in which, this Court issued statutory notice to the contemnors. Being aggrieved, the contemnors went to the Hon'ble Supreme Court and the Hon'ble Supreme Court directed the police authorities to put forth their proposal for granting permission and after consultation with the organizers, permission should be granted, if this is complied, the contempt petition to be considered as per the subsequent events and circumstances.

3. Thereafter, the Director General of Police of the State gave a detailed proposal under what conditions, permission for the Route March can be granted. The proposals were circulated to the organizers and they came out with their own objections and suggestions. After scrutinizing the proposal by the DGP and objections and suggestions by the organizers, this Court passed detailed order listing out the conditions to be imposed and also observed that this should be a guidance for future also and the organizers need not come to this Court every year, as it was in vogue so far. Unfortunately, the spirit of the Judgment and the observations of this Court that the said guidelines to be

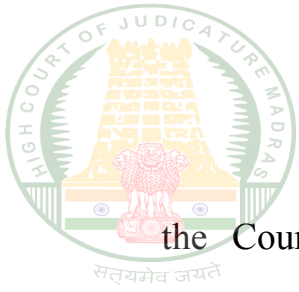


followed in future is floated very next year and that is the reason these batch of writ petitions, now before this Court.

4. To put the facts in nutshell, the local organisers of *RSS* had made application for permission to conduct Route March on 06.10.2024 at 58 places. These petitions were filed for Mandamus to consider the representations. Meanwhile, all the 58 applications were rejected. This Court hence directed Mr.K.M.D.Muhilan, learned Government Advocate (Crl.Side) to verify with the respondents for what reason the Hon'ble Supreme Court directions and the directions of this Court been disobeyed and adjourned the matter to 30.09.2024 to revisit the orders of rejection.

5. When the matter taken up for consideration on 30.09.2024, the learned Government Advocate (Crl.Side) submits that out of 58 applications, 42 applications were considered and permission granted.

6. The learned Senior Counsels appearing for the petitioners submits that though on the face of the order it appears permission granted by complying



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the Court order by adding untenable and new conditions which is not

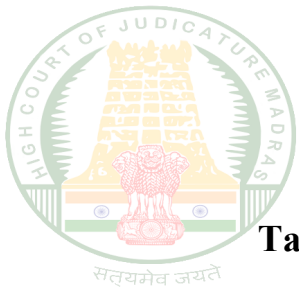
permissible and accepted, in fact it is an act of disobedience in the light of the order dated 05.01.2024 passed by this Court in the batch of Contempt Petitions.

7. Then again, this Court directed the learned Government Advocate (Crl.Side) to verify whether the permission granted bristles with colourable exercise of power and why the remaining 16 applications not been considered and posted the matter for hearing today.

8. The learned Government Advocate (Crl.Side) had after verifying the records and consultation with the respondents, reported that the permission granted for the 42 applicants with certain conditions were modified and errata been issued taking into consideration the order passed by this Court on 05.01.2024. As far as the remaining 16 applications, 10 applications were allowed and only 6 applications were rejected and the reasons been stated in the order of rejection.

9. The learned Government Advocate (Crl.Side) listed the following applications, which were rejected:-

Avadi Commissionarate - (i) Mangadu and (ii) Korattur



Tambaram Commissionarate- (i) Medavakkam and (ii) Selaiyur,

Coimbatore Commissionarate - Rathinapuri

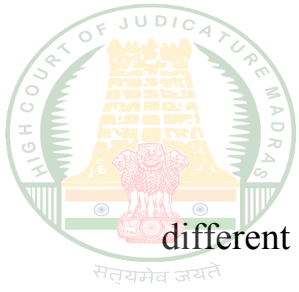
Tuticorin Commissionarate – Sawyerpuram.

10. The reasons for rejecting these six applications are in nutshell as under:-

Mangadu: The starting point and ending point is mentioned as Amrita Vidyalayam and also the meeting was supposed to be held in the play ground of Amrita Vidyalayam. But the consent letter of Amrita Vidyalayam Management not enclosed and on verification, the school authority had informed the police that they have not given any consent for conducting meeting.

Korattur: The school authority namely Dr.Nalli Kuppaswami Vivekananda Vidyalaya had not given written consent for conducting public meeting.

11. In response to this, the learned senior counsel appearing on behalf of the petitioner submits that they are ready to produce the consent letter from the School authorities by tomorrow and the respondent shall consider the consent letter and grant permission or in case of any alternate, they will provide



different meeting place and same may be considered.

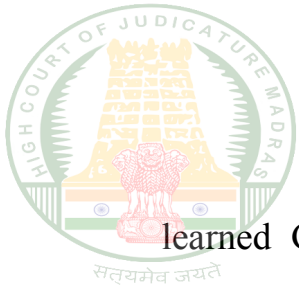
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12. As far as **Medavakkam** in Tambaram Commissionerate, the reason for rejection is that the route suggested by the organizer is the route where CMRL work is in progress, already the traffic is very congested in that route and the organizers had not given any other alternate route.

13. Similarly permission for **Selaiyur** been rejected on the ground that the route is through narrow road and bus route. Also the learned Government Advocate (CrI.Side) submits that this is not the route where the organizers conducted Route March previous year and if request is made by the organizer for the route, in which, they conducted Route March last year, same will be considered.

14. In response to this, the learned senior counsel appearing for the petitioners submitted that as far as Medavakkam is concerned, they are ready to go in an alternate route which will not cover the CMRL route except less than few hundred meters and that alternate route may be considered by the authorities.

15. As far as Selaiyur, it is brought to the notice of this Court by the



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learned Government Advocate (Crl.Side) that previous year, the organizers

conducted the Route March at Chitlapakkam and if the organizers seek permission to conduct Route March where they conducted last year, same will be possibly considered.

16. At Coimbatore Commissionerate, the request of the organizers to conduct their Route March at a place, which falls within the territorial jurisdiction of Rathinapuri police station was rejected. The learned Government Advocate (Crl.Side) submits that the permission to conduct Route March within the Vadavalli police station limit been granted. The distance between Vadavalli and Rathinapuri is about 8 kms. Therefore, the police finds difficult to mobilise the force to two different places within 8 kms. Further, the route is very sensitive and the past incident had given the wisdom to the police not to permit Route March.

17. Mr.G.Karthikeyan, the learned Senior Counsel submits that permission granted to Vadavalli is not the reason for rejecting the permission to conduct Route March at Rathinapuri. In fact the rejection order mentions about the existence of Mosque in the route as one of the reason. Whereas, the Division Bench of this Court and the Single Judge of this Court earlier had made a very



pointed comment on the authorities decision for not permitting procession or

route march through the religious structure of other community is in the enroute.

As far as the past incident is concerned, both the learned Government Advocate (Crl.Side) as well as the learned Senior Counsel submitted that the incident are not concern with *RSS* route march.

18. This Court, after considering the submissions put forth on behalf of the State as well as the petitioner in so far the request for permission to conduct Route March in Rathinapuri in Coimbatore District, finds that it is suffice to say that if the School authority gives the letter of consent for conducting public meeting in their ground, permission to be granted. It should not be denied for any other reasons. The other reasons which are found in the rejection order are untenable. This Court had repeatedly held that presence of other religious institutions or building or organisations with different ideology cannot be a bar for conducting Route March. Public road is always a public road. Persons who have some interest on the road margin cannot decide whom to pass through the public road.

19. Regarding Sawyerpuram, Tuticorin District, the reasons stated for rejection is the ensuing Dhasara festival which is conducted at Kulasekarapattinam in a grand manner. The organizer is sensible about that and



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have agreed to conduct Route March at Sawyerpuram on 20.10.2024. The

authorities shall consider their request for alternate date and pass appropriate orders.

20. As far as the permission to conduct Route March by RSS organizers, there cannot be any other conditions except the conditions which have been settled after consulting the police authorities, the proposal given by the Director General of Police and the organizers which form part of the order passed by this Court dated 05.01.2024. The Route March in the permitted route followed by the public meeting shall be on 06.10.2024 between 3.00 p.m., and 7.00 p.m.

21. Mr.R.C.Paul Kanagaraj, Learned Counsel appearing for the petitioner, V.K.Paramasivan in W.P.No.28790 of 2024 who had sought permission to conduct Route March at Tenkasi, is aggrieved by the route suggested by the police which is not one of the three routes proposed by the organizer.

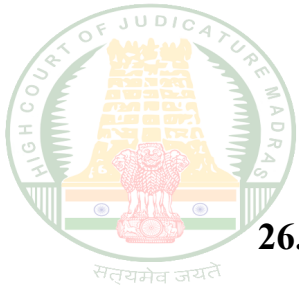
22. The learned Government Advocate (CrI.Side) submits that Koolakkadai bazaar, where the organizer wants to pass through, is very congested and sensitive area. Therefore, all the three routes were rejected and different route been suggested.



WEB COP 23. The learned counsel for the petitioner submits that the route suggested by the police is totally out of the town and outskirts bypass road and this will defeat the purpose of Route March, which is meant for sensitize general public about Nationalism and Patriotism.

24. Considering the submissions and the difficulty expressed by the police officers of the Tenkasi district, out of three routes proposed by the organizers, instead of L.R.S.Palayam Thidal as commencing and point passing through Koolakkadai bazaar, the organizer shall commence their procession in and around the old bus stand whichever is suitable to them and permissible by the police. They shall reach Esakki Mahal ground where they proposed to conduct the public meeting.

25. This Court as well as the Hon'ble Supreme Court in the previous round of litigation issued directions and expressed belief that guidelines issued be followed scrupulously by the police as well as the organizers and there should not be any need for the organisers to approach the Court in future. However, it is proved to be an illusion. This reminds the tale of “Vedha and Vikram”.



26. At least in coming years, this Court hopes that the guidelines

WEB COPY issued by this Court in its order dated 05.01.2024 be followed and the police will not trouble the Court by rejecting the request for RSS Route March by inventing novel and fanciful reasons.

27. With the above observations, these Writ Petitions are disposed of.

No costs.

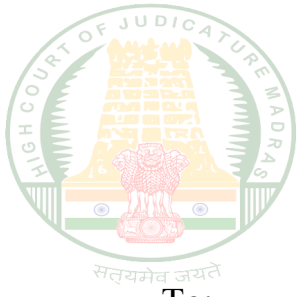
01.10.2024

Index : Yes.

Internet : Yes.

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Note: Issue Today (01.10.2024)



To:-
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- 1.The Secretary,
State of Tamil Nadu,
Home Department,
Fort St.George,
Chennai - 600 009
- 2.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai - 600 004.
- 3.The Superintendent of Police,
Dindigul District.
- 4.The Inspector of Police,
Oddanchatram Police Station,
Oddanchatram
- 5.The Public Prosecutor,
High Court of Madras,
Chennai



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VERDICTUM.IN



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Dr.G.JAYACHANDRAN, J.

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