BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.3488 of 2025

Akhil Bharathiya Vidyarthi Parishad
South Tamil Nadu
Rep. By its Treasurer
Sivakumar
S/o. Narayanan
No.3/34, Pillaiyar Kovil Street
Manthikulam, Madurai North Taluk
Madurai – 625 014 ... Petitioner

Vs.

1. The Commissioner of Police
   Commissioner Office
   Alagarkovil Road, Madurai City
   Madurai

2. The Assistant Commissioner
   Thideer Nagar Division
   Madurai City, Madurai

3. The Assistant Commissioner
   Madurai South Division
   Madurai City ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Certiorarified Mandamus, to call for the records

pertaining to the impugned order passed by the second respondent in C.No.22/AC/Camp/MC/2025 dated 04.02.2025 and quash the same as illegal and arbitrary and consequently direct the respondents to provide appropriate permission to the petitioner organization to conduct procession start at Mannar Thirumalai Nayakkar College at 4 PM on 08.02.2025 and the procession ending at Roundana of Pallanganatham, Madurai at about 5 PM and conduct the public meeting

For Petitioner : Mr.Palanivelrajan,Senior Counsel
for M.Beema Rao

For Respondents : Mr.Veerakathiravan
Additional Advocate General

Assisted by : Mr.S.Ravi
Additional Public Prosecutor

ORDER

The prayer sought for in the present writ petition is to quash the order passed by the second respondent in C. No. 22/ 8AC/ Camp/ MC/2025 dated 04.02.2025 and direct the respondent to provide appropriate permission to the petitioner organization to conduct procession starting at Mannar Thirumalai Nayakkar College at 4 p.m., on 08.02.2025 and the procession ending at roundana of Pallanganatham, Madurai at about 5 PM and conduct the public meeting

2. The learned counsel appearing for the petitioner would submit that the petitioner is Treasurer of Akhil Bharathiya Vidyarthi Parishad (ABVP) South Tamil Nadu. The Akhil Bharathiya Vidyarthi Parishad founded in the year 1949 to conduct more student leader, skill development, medical camp, students wing activities, public meeting, rally and carrier guidance program through all over India. Now the organization ABVP has decided to conduct State Conference in south Tamil Nadu from 07.02.205 to 09.02.2025 at Madurai.. The students lecturers professor, state office bearres and social activist will participate and leading the above said conference. More than 300 students will participate from various district and said procession will start from Mannar Thirumalai Nayakkar College at 4.00 pm., on 08.02.2025 and will end up at roundana of Pallanganatham at about 5.00 pm., The public meeting will be conducted in the end of procession .

2.1. Therefore the petitioner sent a representation to the respondents on 22.01.2025 in person but so far the respondents have not responded for the representation. Thereafter a writ petition was filed in

WP(MD) No. 3357 of 2025 and the same was listed on 05.02.2025. In the meantime the second respondent passed the impugned order on 04.02.2025 by rejecting the representation. The second respondent has mechanically rejected the permission and failed to consider the freedom of speech and right to assemble and democratic through dharnas, peaceful agitations, rallies and processions are fundamental aspects of a democratic society. The second respondent rejected the request three days prior to the event. Therefore the order passed by the second respondent is against fundamental right hence he filed the present petition.

3. The learned Additional Advocate General appearing for the respondents would submit that the writ petition is not maintainable. The petitioner has submitted petition to grant permission for the processsion from Mannar Thirumalai Nayakkar College at 4.00 pm., on 08.02.2025 and will end up at roundana of Pallanganatham at about 5.00 pm. In the representation dated 22.01.2025 they mentioned that the procession will start at 2.30 pm. and end at 5.00 p.m, and there will be a public meeting , therefore there are two different stand taken by the petitioner. The

representation of the second respondent was received only 29.01.2025 and the same was considered and rejected on 04.02.2025. In the proposed route that is from Mannar Thirumalai Nayakkar College to roundana of Pallanganatham is 40 feet road and not permitted for any kind of procession and in between that there are two railway crossings and road works for extension is being carried out and there is also center median and therefore the said route will create heavy traffic congestion since the particular route is only entering the Madurai to Tirunelveli and there are many schools and colleges nearby and hence the proposed route is not feasible to conduct rally. More over, the District Collector, Madurai, through proceedings dated 29.11.2024 had earmarked places for conducting public agitation, rallies, protest, dharna and procession. As per the proceedings the route asked by the petitioner is not a permitted place

3.1. Already one P.Sarathy Saravanan has filed a W.P(MD)No. 31294 of 2024 seeking permission to hold hunger strike on 09.02.2025 in the Pallanganatham roundana and this Court vide order dated 02.1.2025 has allowed the writ petition hence prior arranged have to be made on

08.02.2025 for the next day dharna at the permitted location, so the petitioner organization cannot be permitted on 08.02.2025 to conduct public meeting in the same location in the Pallanganatham roundana. The petitioner has every right to assemble and demonstrates and can conduct rallies but the petitioner cannot claims specified location for conducting the same. Though the petitioner has right under the Constitution of India it is subject to reasonable restrictions. Further the respondent is ready to grant permission to the petitioner for conducting rally in the alternative places one from Raja Muthiah Mandram to Gandhi Museum and other from Tamukkam Junction to Gandhi Museum. Therefore the present petition is liable to be dismissed. Further the learned Additional Advocate General also produced the photocopies to show the road extension work in the proposed route.

4. Heard both sides and perused the records. In this case according to the petitioner they decided to conduct awareness programs for the students and thereby they decided to conduct rally from Mannar Thirumalai Nayakkar College to roundana of Pallanganatham. Therefore they seek permission from the second respondent but the

second respondent rejected the request of the petitioner by citing reasons that the present route is the entrance for the vehicles proceedings from southern district and extension of road work is also being carried out and there are so many colleges and schools situated in that area and it will cause hindrance to the school going students and the public., Further already this Court permitted one Sarathy Saravanan to conduct hunger strike and thereby they have to make arrangements.

5. This Court perused the entire records and the petitioner has sent representation dated 22.01.2025 seeking permission to conduct rally and the same was rejected on 04.02.2025. However the learned Additional Advocate General suggested alternative places one is from Raja Muthiah Mandram to Gandhi Museum and another is from Tamukkam Junction to Gandhi Museum for conducting procession by the District Collector dated 29.01.2024. The respondent also not totally denied the right of the petitioner to conduct rally but however they objected for the particular route on the ground that road work is in progress and it will cause hindrance to the school and college students in the proposed route. This Court also perused the photographs filed by the

respondents and it is seen that the road extension work is under process. Therefore inorder to avoid traffic congestion and for the smooth conduct of rally the proposed route is not feasible. Since this Court already permitted to conduct hunger strike on 09.02.2025 at Palanganatham roundana this petitioner also can be permitted to conduct meeting at Palanganatham roundana.

6. Considering the paucity of time and since the rally was fixed on 08.02.2025 ie.,tomorrow and inorder to avoid traffic congestion as rightly suggested by the learned Additional Advocate General, this Court is of the view that it is appropriate to permit the petitioner to conduct rally and meeting from Raja Muthiah Mandram to Gandhi Museum on 08.02.2025 at 3.30 p.m. to 4.30 pm., in a peaceful manner or in alternate the petitioner can choose Palanganatham roundana to conduct meeting from 5.00 pm., to 6.30 pm., without causing any disturbance to the public. As far as the impugned order passed by the second respondent is concerned he has passed the detailed order, however failed to consider about the alternate place for the petitioner, therefore the order passed by the second respondent is liable to be modified as indicated above. The

second respondent is directed to take appropriate safety measures in accordance with law.

7. With the above said observation and direction the Writ Petition stands disposed of. No costs.

07.02.2025

NCC : Yes / No
Index : Yes / No
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Note: Issue order copy on 07.02.2025

To

1. The Commissioner of Police
   Commissioner Office
   Alagarkovil Road, Madurai City
   Madurai

2. The Assistant Commissioner
   Thideer Nagar Division
   Madurai City, Madurai

3. The Assistant Commissioner
   Madurai South Division
   Madurai City

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

P.DHANABAL, J.

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W.P.(MD)No.3488 of 2025

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