

W.P.(MD)No.8967 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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07.04.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.8967 of 2024

and

W.M.P.(MD).Nos.8152 and 8153 of 2024

Rajasekaran

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Petitioner

Vs.

1.The Assistant Election Officer,
24, Tiruchirapalli Constituency (Lok Shaba),
141, Tiruchirapalli East,
Office of the Assistant Commissioner Ward
Committee No.2 Office,
Tiruchirapalli District.

2.The Commissioner of Police,
O/o.Commissioner of Police,
Pudukottai Main Road,
Subramaniapuram,
Trichy – 620 020.

3.The Inspector of Police,
Gandhi Market Police Station,
Palakarai,
Sangaliandalpuram,
Trichy.

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Respondents

Prayer : This Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the



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entire records in connection with the impugned order passed by the 1st respondent vide his proceedings Ref.No.Na.Ka.No.C3/2035/2024 (Va.Ku.A.2), dated 05.04.2024 signed on 06.4.2024, quash the same and consequently direct the respondents to grant permission with adequate police protection for rally, scheduled on 07.04.2024 at about 4.30 p.m to 07.00 p.m., commencing at Gandhi Market Arch and finishing at Malaikottai of Tiruchirapalli Constituency.

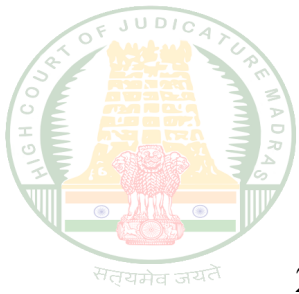
For Petitioner : Mr.Niranjana S.Kumar

For 1st respondent : Mr.R.Baskaran,
Additional Advocate General

For respondents 2 & 3: Mr.T.Senthilkumar,
Additional Public Prosecutor

ORDER

The Writ Petition is directed against the order of rejection dated 05.04.2024 (signed on 06.04.2024) by the first respondent and for a consequential direction to the respondents to grant permission for rally on 07.04.2024 commencing at about 04.30 P.M. to 07.00 P.M at Gandhi Market Arch and finishing at Malaikottai of Tiruchirapalli Constituency to be attended by the National President of Bharatiya Janatha Party.

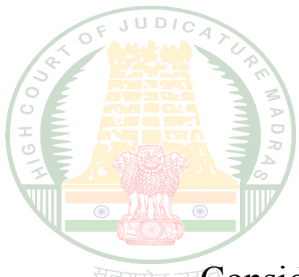


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2. Heard Mr.Niranjan S.Kumar, learned counsel appearing for the petitioner, Mr.R.Baskaran, learned Additional Advocate General appearing for the first respondent (with the permission of the Court) and Mr.T.Senthilkumar, learned Additional Public Prosecutor appearing for the respondents 2 and 3.

3. It is the case of the petitioner that he, being the District Secretary, applied for permission through online on 04.04.2024 with the first respondent to permit their party to conduct a rally scheduled on 07.04.2024 at about 04.30.p.m to 07.00 p.m commencing at Gandhi Market Arch and finishing at Malaikottai of Tiruchirapalli Constituency, in which their party National President Shri Jagat Prakash Nadda was to participate, in order to campaign for the Lok Shaba Election for the year 2024. The first respondent has passed the impugned order, rejecting the permission sought for. The main reason assigned for rejection is that there are more number of business shops and commercial establishments in the area, for which, the permission is sought for and lot of people used to visit those places, and that there is general prohibition for allowing four wheelers from 06.00 a. m to 10.00 p.m every day in those places.



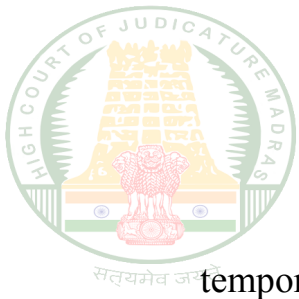
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Considering the heavy traffic and the movement of lot of people, according to the first respondent, the permission sought for cannot be granted. Next reason assigned is that the vehicle which is going to be used for rally ie., ISUZU Goods Carrier bearing temporary Registration No.T0324-GJ-58530 is not having permanent Registration and that Road Tax has not been paid and that therefore, the said vehicle cannot be allowed to ply in the roads. The petitioner has produced the copy of temporary Certificate of Registration for the said vehicle and wherein, it is evident that the temporary registration is shown to be valid from 18.03.2024 to 17.09.2024.

4. The learned counsel appearing for the petitioner would submit that the same vehicle was used by other National Leaders of their party when they were campaigning in Tamil Nadu and there was no objection on that occasions.

5. The learned Additional Advocate General appearing for the first respondent and the learned Additional Public Prosecutor appearing for the respondents 2 and 3 would fairly concede that the said vehicle is having



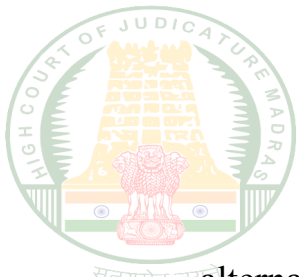
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temporary registration for a period till September 2024. Considering the above, the said reason cannot be sustained.

6. Turning to the first reason, the learned Additional Advocate General appearing for the first respondent and the learned Additional Public Prosecutor appearing for the respondents 2 and 3 would submit that Samayapuram Mariamman Temple festival is now going on and the respondents 2 and 3 have also granted permission for 52 vehicles for Poochooridhal Vizha and the said vehicle have to move only on the said route. They would also submit that since it is the month of Ramzan, more people used to assemble in the said area for attending prayer. The learned Additional Public Prosecutor appearing for the respondents 2 and 3 would submit that if the permission is sought for, in any other alternative route, they are ready to say no objection to grant permission and suggested two other routes.

7. The learned counsel appearing for the petitioner would submit that the National President has been accorded with Z category security, cover of CRPF and it will take time for the security people to visit



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alternative route and for making arrangements. However, the learned counsel appearing for the petitioner, on instructions, would submit that they are ready to change the route and to commence from Kannappa Hotel and finish at ESI Hospital covering a distance of 1.5 kilo meters and that the authorities including the respondents may be directed to give police protection and also to offer all necessary help. The learned Additional Public Prosecutor for the respondents 2 and 3 would submit that they are ready to provide police protection.

8. Just because there would be some hindrance for the traffic and free movement of the people, that by itself is not a ground to reject the permission. The other objections now canvassed by the respondents, does not find place in the impugned order, as per their own version, which was passed on 06.04.2024, i.e., yesterday.

9. In view of the above discussions, this Court is inclined to interfere with the impugned order passed by the second respondent, dated 05.04.2024 and the same is hereby set aside. The first respondent is hereby directed to grant permission for the rally in the alternative route, as agreed



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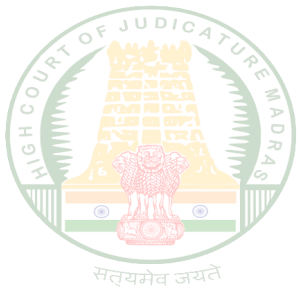
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by both parties, i.e., the rally is to begin from Kannappa Hotel and to finish at E.S.I. Hospital between 5.30 P.M and 08.00 P.M, today and the respondents 2 and 3 are directed to give necessary police protection by imposing necessary conditions. The respondents 2 and 3 are directed to include a condition that no flex board will be allowed to be erected by the organizers during the event. The petitioner is directed to comply with the conditions imposed by the respondents and all the parties are directed to ensure that the rally takes place peacefully without giving rise to any law and order problem.

10. With the above said directions, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.04.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
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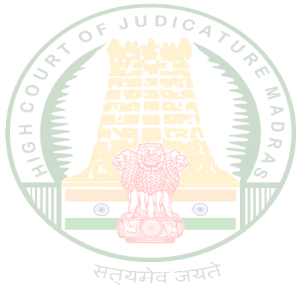


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Dated : 07.04.2024