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W.P.(CrI).No.253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.(CrI).No.253 of 2025

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Tamilaga Vettri Kazhagam (TVK),
represented by its Deputy General Secretary,
Mr.CTR.Nirmal Kumar,
Plot No.275, Sea Shore Town, 8th Avenue,
Panaiyur, ECR, Chennai-600 119.

.. Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai Police,
E.V.K.S. Sampath Road,
Chennai-600 007.

2. The Deputy Superintendent of Police,
Triplicane Range,
Office of the Deputy Superintendent of Police,
Triplicane, Chennai.

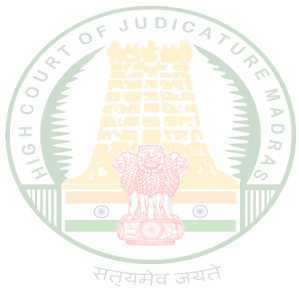
.. Respondents

Writ Petition (Criminal) filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to grant permission to the petitioner to conduct a public demonstration on 06.07.2025 from 10 am to 1 pm at Sivananda Salai, Chennai, on or such other date as this Court may deem fit and within a stipulated period.

For petitioner : Mr.P.Vijendran for M/s.S.Arivazhagan

For respondents : Mr.J.Ravindran, Addl. Advocate General
Assisted by Mr.R.Muniyapparaj, Addl.P.P.

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ORDER

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The present Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent to consider and grant permission to the petitioner to conduct a peaceful public demonstration on 06.07.2025 from 10:00 a.m. to 1:00 p.m. at Sivananda Salai, Chennai.

2. The petitioner is the Deputy General Secretary of Tamilaga Vettri Kazhagam (TVK), a registered regional political party. According to the petitioner, a representation dated 01.07.2025 was submitted seeking permission to conduct a demonstration on 03.07.2025. However, the proposed venue was stated to be unavailable. Subsequently, another representation dated 02.07.2025 was submitted, seeking permission to conduct the demonstration on 06.07.2025 from 10:00 a.m. to 1:00 p.m. at Sivananda Salai, Chennai. Despite this, no written response has been received from the respondents till date.

3. The learned counsel for the petitioner submitted that the proposed protest is intended to highlight the increasing number of custodial deaths across the State of Tamil Nadu, with particular reference to the alleged custodial death of one Ajith Kumar on 27.06.2025 in Sivagangai District. It is submitted that the



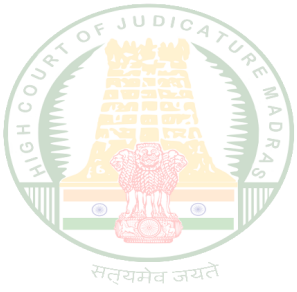
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protest is intended to be peaceful, and that the authorities have neither issued a written rejection nor proposed any alternative arrangements. Instead, they have only orally conveyed that the proposed venue is unavailable, without offering any reasons in writing.

4. Heard the learned Additional Advocate General on the above submissions made by the learned counsel for the petitioner.

5. It is the grievance of the petitioner that such inaction amounts to arbitrary denial of the right under Article 19(1)(b) of the Constitution of India, which guarantees the right to assemble peacefully without arms.

6. On a perusal of the affidavit and the submissions made, it is seen that the petitioner initially submitted a representation on 01.07.2025 seeking permission to conduct the demonstration on 03.07.2025. As the proposed venue was stated to be unavailable, a subsequent representation was submitted on 02.07.2025, seeking permission to conduct the demonstration on 06.07.2025.

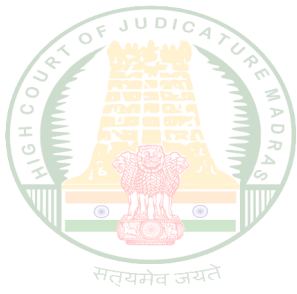


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7. It is to be noted that the police authorities are entitled to assess such requests with due consideration to public order, traffic management, safety, and administrative feasibility. A reasonable timeframe is, therefore, essential to enable such consideration in a structured and lawful manner. It is pertinent to note that Section 41(3)(a) of the Chennai City Police Act, 1888 (as amended by Tamil Nadu Act 37 of 1961) mandates that applications for permission to conduct assemblies, meetings, or processions must be submitted not less than five days prior to the proposed date of the event. However, even this five-day period has been found to be inadequate under present-day conditions. In this context, it is pertinent to refer to the order dated 31.01.2025 passed in W.P.No.428 of 2025, wherein this Court, while dealing with a similar issue, emphasised the importance of timely submission of applications and the corresponding obligation of the police authorities to act within a fixed timeframe. The relevant operative portion reads as follows:

"11. In light of these issues, the Court recommends for an amendment to Section 41(3) (a) of the Chennai City Police Act, 1888 (Tamil Nadu Act 37 of 1961) stating that applications for rallies, meetings, or processions be submitted at least ten days in advance of the event, instead of the current five-day requirement. This would allow adequate time for consultation and planning. Furthermore, the Court directs that police authorities must dispose of such applications within 48 hours of receipt. If the police fail to issue a decision within this time frame, the aggrieved party may seek redress before the competent authorities. The Court also emphasizes that if permission is refused, except for intelligence or public safety concerns, reasons for the refusal must be provided



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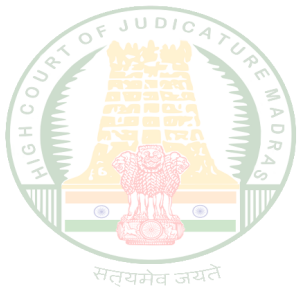
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after offering the concerned party a fair hearing, and the reasons should be incorporated in the rejection order. These recommendations aim to strike a balance between safeguarding the right to assembly and ensuring public safety.

12. It is also clarified that during the procession, the parties must adhere to the protocols stipulated by the authorities, and permission should only be granted after compliance with these guidelines. This includes avoiding songs or speeches that target individuals, castes, religions, or groups, refraining from supporting banned organizations or activities that threaten national sovereignty, and ensuring the event does not disrupt public order or traffic. No harmful items are allowed. Organizers must make arrangements for water, first aid, ambulances, toilets, CCTV, and fire safety in coordination with local authorities. The procession should follow the designated route, occupy not more than one-fourth of the road, and not block traffic. Volunteers must assist the police in managing the event and traffic. The procession should not offend religious or cultural sentiments. It is made clear that if any untoward incident occurs and damage is caused to public or private property, the organizers alone shall compensate for the same. In this regard, the organizers must provide an undertaking to reimburse any damages to property or claims. If there is any violation of the conditions, the police officer is at liberty to take necessary action as per the law.

13. However, with regard to the prayer seeking to quash the order dated 06.10.2024, it is to be noted that the scheduled date of 07.11.2024 has already passed, the request to quash the order dated 06.10.2024, which denied permission for the rally, does not arise. As a result, the request to quash the order dated 06.10.2024 has become infructuous.

14. With regard to the compensation claimed by the petitioner and the action to be taken against the fifth respondent, it is to be noted that when the permission to conduct the rally was rejected, the petitioner should have



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approached the court, instead of taking the law into their own hands. The counter affidavit filed by the respondents reveals that two criminal cases have been registered against the petitioner's party members. A case was registered under Section 189(2), 126(2), 132, and 270 of the Tamil Nadu City Police Act (Crime No. 489 of 2024) at F2 Egmore Police Station for conducting an illegal rally, leading to the arrest of the individuals. A second case, Crime No. 490 of 2024, was filed under Sections 296(b) and 3(1) of the PPDL Act after the arrested individuals caused a disturbance in a government bus, breaking its glass window. However, all arrested individuals were released by 5:45 PM the same day. However, this Court observes that had the respondents taken timely action, the petitioner's party members would not have gathered, and the law and order issue would not have arisen. In order to strike a balance, considering the peculiar circumstances of this case, this Court is inclined to quash the criminal cases in Crime Nos.489 and 490 of 2024, pending on the file of F2 Egmore Police Station and accordingly, the criminal cases in Crime Nos.489 and 490 of 2024, are quashed. However, the respondents is not liable to pay any compensation. As for the relief concerning action against the fifth respondent, respondents 1 to 3 are directed to conduct an inquiry into the alleged incident that occurred on 07.11.2024. If the inquiry reveals that the fifth respondent used excessive force and acted in a high-handed manner, leading to injuries among participants, including women, men, and children, appropriate action shall be taken against the fifth respondent.

15. In light of the observations mentioned in paragraph Nos.10 and 11, regarding the amendment, this Court suggests that the necessary amendment shall be made in Section 41(3)(a) of the Chennai City Police Act, 1888 (Tamil Nadu Act 37 of 1961), so as to extend the time frame for submitting applications or requests for conducting assemblies, meetings, or processions before the Commissioner from "five days" to **"ten days"**. Furthermore, due to the absence of a specified time limit for the Commissioner to take action after receiving the application, it is further suggested in the same provisions to specify that **"the Commissioner shall dispose of the application within 48 hours from the date of receipt of the application submitted by the organizers or body."**



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In the given circumstances, this Court is of the view that, instead of issuing a direction to the respondents to consider the existing representation, it would be appropriate to direct the petitioner to submit a fresh representation, suggesting an alternative date and venue for the proposed public demonstration, by providing reasonable advance notice of not less than 10 days to the respondents.

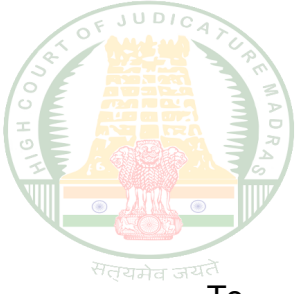
8. Accordingly, the petitioner is directed to submit a fresh representation to the first respondent, proposing a suitable alternative date and venue for the intended public demonstration, with sufficient lead time. Upon receipt of such representation, the respondents shall consider the same in accordance with law and pass appropriate orders well in advance and within a reasonable time from the date of its receipt.

9. With the above directions and observations, the Writ Petition stands disposed of. No costs.

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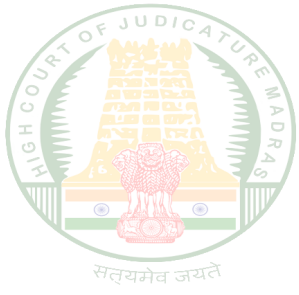


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To

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Greater Chennai Police,
E.V.K.S. Sampath Road,
Chennai-600 007.
2. The Deputy Superintendent of Police,
Triplicane Range,
Office of the Deputy Superintendent of Police,
Triplicane, Chennai.
3. The Public Prosecutor, High Court, Madras.



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P.VELMURUGAN, J

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