



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2026

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CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.CrI.(MD)No.1596 of 2026
& W.M.P.CrI.(MD)No.391 of 2026

S.Prabhu

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.
2. The Superintendent of Police,
Theni District, Theni 625 531.
3. The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 3rd respondents made in Na.Ka.No. 05/ThoKa.Nee/Tha.Ma/2026 dt. 09.03.2026 and quash the same and consequently direct the respondent police to allow the petitioner to conduct the Ahimsa Path at every day from 10.00 a.m., to 12.00 a.m., until the World War End.



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For Petitioner : Mr.S.Prabhu (Party in person)
For Respondents : Mr.M.Sakthi Kumar (R2)
Government Advocate (Crl.)
Mr.M.Muthumanikkam (R1)
Government Advocate (Civil)

ORDER

Preface:

This writ petition presents an unusual prayer, where the petitioner, appearing as party-in-person, seeks to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India to challenge an order of the 3rd respondent police refusing permission to conduct a daily “Ahimsa Path” from 10.00 a.m. to 12.00 noon, purportedly until the end of the “World War”.

2. The petitioner styles his proposed activity as a peaceful protest intended to advance the cause of non-violence and world peace. According to him, such protest is an exercise of his fundamental right to freedom of speech and expression and his right to assemble peacefully without arms. The grievance projected in the writ petition is that the 3rd respondent, by the impugned proceedings dated 09.03.2026, denied him permission to conduct such protest at the place chosen by him.



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3. Though the prayer, on its face, is couched in the language of constitutional liberty, the substance of the matter requires this Court to examine whether the rejection order is arbitrary or unreasonable and whether the petitioner can insist upon conducting an indefinite daily protest at a location of his unilateral choice, regardless of public inconvenience, traffic regulation, and administrative feasibility.

Case of the petitioner:

4. The petitioner claims to be the Union Secretary of “Pathu Roobai Iyakkam”, engaged in social and Right to Information activities. It is his case that he intends to conduct an “Ahimsa Path” every day in a peaceful manner, so as to spread a message against war and in favour of non-violence.

5. The petitioner submitted an application before the jurisdictional police seeking permission to conduct the said programme every day from 10.00 a.m. to 12.00 noon. However, the 3rd respondent, by proceedings in Na.Ka.No. 05/ThoKa.Nee/Tha.Ma/2026 dated 09.03.2026, rejected the request.

6. Challenging the said order, the present writ petition has been filed. The petitioner would contend that the impugned rejection amounts to an unconstitutional restriction on his fundamental right to protest peacefully and



that the respondents ought to have facilitated the same instead of rejecting it.

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Grounds for quash:

7. The challenge to the impugned proceedings is essentially founded on the following grounds:

i. The petitioner claims that peaceful protest is a facet of the fundamental rights guaranteed under Article 19(1)(a) and Article 19(1)(b) of the Constitution of India.

ii. According to him, the proposed “Ahimsa Path” is non-violent, symbolic, and intended only to promote public awareness on the cause of peace.

iii. The petitioner would further assert that the rejection order is mechanical in nature and does not adequately appreciate the constitutional significance of peaceful dissent.

iv. It is also his contention that the denial of permission at the place chosen by him effectively frustrates the object of the programme and amounts to an unreasonable curtailment of his right.

Submissions of the petitioner:

8. The petitioner, who appeared in person, submitted that he is entitled to



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conduct a peaceful protest and that the State authorities cannot defeat such right

merely on vague or general considerations. He would submit that his proposed programme is neither violent nor disruptive in intent and that it is meant only to convey a moral and humanitarian message.

9. He would further contend that in a democratic polity, the right to assemble and protest peacefully forms part of the basic civic freedoms available to every citizen. According to him, the rejection of permission by the 3rd respondent is contrary to the constitutional guarantee available to him.

10. The petitioner also insisted that permission must be granted only at the place identified by him and not elsewhere, since, in his perception, the proposed venue carries symbolic relevance for his cause.

Submissions of the respondents:

11. The learned Government Advocate appearing for the respondents submitted that the petitioner's request was not rejected arbitrarily. It was contended that the place at which the petitioner sought permission to conduct the daily protest is a busy junction and that permitting such a programme on a recurring daily basis would inevitably cause hindrance to free movement of the public and cause traffic congestion.



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12. The learned Government Advocate would further submit that the police did not impose an absolute prohibition on the petitioner's activity. On the contrary, alternate locations were suggested, where the proposed programme could be conducted without causing public inconvenience or obstruction.

13. It was therefore argued that the impugned order does not infringe any constitutional right of the petitioner, but merely regulates the manner and place of its exercise in the interest of public order and public convenience.

Point for consideration:

14. In the light of the rival submissions, the following point arises for consideration in this writ petition:

(i) Whether the proceedings of the 3rd respondent in Na.Ka.No. 05/ThoKa.Nee/Tha.Ma/2026 dated 09.03.2026, rejecting the petitioner's request to conduct daily "Ahimsa Path" at the chosen location, warrant interference under Article 226 of the Constitution of India?

Analysis:

15. At the outset, it must be stated that the right to freedom of speech and expression and the right to assemble peaceably and without arms are



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undoubtedly cherished constitutional freedoms. A peaceful protest, when

undertaken within the framework of law, is a legitimate democratic expression.

16. However, such rights are not absolute in character. The constitutional scheme itself recognises that these freedoms are subject to reasonable restrictions in the interests of sovereignty, integrity, public order, and orderly civic administration. The right to protest cannot therefore be elevated into a right to occupy any place, at any time, for any duration, solely at the will of the person asserting it.

17. In the case on hand, the petitioner seeks permission not for a one-time event or a limited-duration representation, but for a daily recurring protest extending indefinitely “until the World War ends”. The expression employed in the prayer itself reveals the open-ended and indeterminate nature of the request. Such a request, by its very nature, places an impossible administrative burden on the authorities and disregards the need for regulation of public spaces.

18. A careful perusal of the impugned order shows that the rejection is founded upon the practical consideration that the particular junction chosen by the petitioner is a busy location and that any daily protest at such place would hinder the general public. This Court finds that such reasoning is neither



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arbitrary nor extraneous. Regulation of assemblies in busy public junctions falls

WEB SQUARE within the domain of lawful administrative control exercised in the interest of public convenience and safety.

19. During the course of hearing, when this Court called upon the petitioner to indicate whether he would be willing to consider an alternate venue, it was represented that the respondent police were prepared to permit the proposed programme at alternative places, namely, near the Dr.B.R.Ambedkar Statue at Periyakulam or near the Muthuramalinga Thevar Statue at Vadakarai, Periyakulam. Thus, this is not a case where the administration has altogether denied the petitioner any opportunity to conduct his programme.

20. The difficulty arose only because the petitioner categorically refused to hold the protest at either of the suggested alternate places. His refusal was not on grounds of physical inconvenience or logistical impossibility, but on the assertion that both Dr.B.R.Ambedkar and Muthuramalinga Thevar had become icons of casteism and that he therefore did not wish to conduct his protest in the vicinity of their statues.

21. This Court is constrained to observe that such remarks, made in the course of a judicial proceeding, are wholly unwarranted. Dr.B.R.Ambedkar



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occupies an exalted place in the constitutional history of this nation as the

principal architect of the Constitution of India and as a towering voice for

social justice, equality, and human dignity. Likewise, Pasumpon

Muthuramalinga Thevar is remembered in the public sphere as a significant

historical and political figure. A litigant cannot be permitted to justify his

refusal of reasonable alternatives by making disparaging generalisations about

personalities of such public importance.

22. The very fact that alternative venues were offered demonstrates that the respondents were willing to balance the petitioner's desire to protest with the larger demands of public order. The petitioner, however, sought not the regulation of his right, but an insistence upon his absolute choice of place. Such insistence is contrary to the settled constitutional principles.

23. It is one thing to seek judicial review against an arbitrary State action; it is another to invite the Court to compel the administration to permit an indefinite daily protest at a busy public junction, despite the existence of reasonable alternatives. The writ jurisdiction of this Court cannot be converted into a mechanism to enforce personal obstinacy under the guise of constitutional liberty.



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24. The present writ petition, in the considered view of this Court, is lacking in bona fides. The petitioner has not made out any case of illegality, irrationality, or procedural impropriety in the impugned order. On the contrary, the material on record shows that the respondents acted reasonably and offered alternative venues. The petitioner rejected the same on untenable grounds and has chosen to prolong the matter through this litigation.

25. This Court therefore finds that the writ petition is devoid of merit and is liable to be dismissed.

26. Insofar as the question of costs is concerned, the conduct of the petitioner in making intemperate remarks about nationally and regionally respected public figures, while simultaneously consuming precious judicial time in a matter where reasonable accommodation had already been extended by the authorities, calls for imposition of exemplary costs.

27. Judicial time is a valuable public resource. Every frivolous or misconceived invocation of constitutional jurisdiction results in diversion of time from genuinely deserving litigants. The extraordinary jurisdiction under Article 226 is meant to remedy real and substantial injustice and not to vindicate eccentric insinuations dressed up as constitutional claims.



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28. In such view of the matter, this Court deems it appropriate to impose

a cost of Rs.50,000/- (Rupees Fifty Thousand only) on the petitioner. The said amount shall be paid to Victoria Memorial Government Higher Secondary School, Katcheri Road, Thenkarai, Periyakulam, Theni District, Tamil Nadu – 625601, within a period of one week from the date of receipt of a copy of this order.

29. In default of payment of the aforesaid cost within the stipulated time, the petitioner shall undergo simple imprisonment for one day in the Sub Jail, Periyakulam, Theni District.

30. Constitutional rights are meant to enlarge democratic participation, but they cannot be asserted in a manner that disregards public order, administrative reasonableness, and civic coexistence. The right to protest is protected; the right to insist upon a particular public junction for an indefinite recurring protest is not.

31. The impugned proceedings of the 3rd respondent do not suffer from any infirmity warranting interference by this Court. The respondents have acted fairly by declining permission at the busy junction while offering alternate venues. The petitioner, having refused such alternatives on wholly untenable

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grounds, is not entitled to any relief in this writ petition.

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32. Accordingly, this Writ Petition stands dismissed with costs of Rs. 50,000/- (Rupees Fifty Thousand only) payable in the manner indicated above. Consequently, the connected miscellaneous petition is closed.

24.03.2026

NCC : Yes / No
Index : Yes / No
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2. The Superintendent of Police,
Theni District, Theni 625 531.
3. The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.Crl.(MD)No.1596 of 2026

Dated
24.03.2026