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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.10.2026
DELIVERED ON : 30.10.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.30622 of 2026
CNR:{HCMA011621652026}
and W.M.P.Nos.33648, 33645
and 33646 of 2026

Case QR

R.Karthikeyan
S/o.K.P.Ratnasabapathy,
15, Police Commissioner Office Road,
Egmore, Chennai-600 008.

Petitioner(s)

Vs

1. The Union of India
   Rep. by its Secretary
   Ministry of Home Affairs, New Delhi.

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

3. The Director General of Police
   No.601, Dr.Radhakrishnan Salai,
   Mylapore, Chennai-600 004.

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4.Tamil Nadu Thowheed Jamaath (TNTJ)
Rep. by its President, R.Abdul Karim,
No.30, Aranmanaikaaran Street,
Mannady, Chennai-600 001.

5.Tamil Nadu Muslim Munnetra Kazhagam
(TMMK), No.7, Vada Maraicoir Street
(Vadamaraikair Street), Behind Harbour
Telephone Exchange Office, Mannady,
Chennai-600 001.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 3 to take effective preventive and penal measures against organised campaigns, public meeting, processions, demonstrations, speeches, social media publications or other activities scandalising, intimidating or undermining the authority of the judiciary or personally targeting any sitting Judge of this Hon'ble court or any Constitutional Court; to register appropriate criminal cases and conduct a fair and expeditious investigation into all cognizable offences disclosed in such incidents; to take appropriate action in accordance with law against respondents 4 and 5, their office bearers, members, affiliates and all other persons found responsible, directly or indirectly, for organising, instigating, participating in, financing or facilitating such unlawful activities, to frame appropriate guidelines governing the grant of permission for public meetings, processions and demonstrations relating to judicial proceedings or personally targeting Constitutional courts and sitting Judges.

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For Petitioner(s): Mr.Rajendran Raghavan

For Respondent(s): Dr.G.Babu, CGSPC
for R1

Mr.S.Ganesh Babu,
Govt Advocate
for R2

Mr.John Sathyan,
State Public Prosecutor,
asst by Mr.N.Palanivel,
Govt Advocate (Crl Side)
for R3

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THE CHIEF JUSTICE

This public interest litigation raises a vital question about institutional balance. It requires us to decide where the right to voice public dissent ends, and where the duty to protect the independence of our courts begins.

2. The petitioner has approached this Court under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to compel the State administration and law enforcement agencies to

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take preventive and punitive action against organized public campaigns that target sitting judges.

3. The dispute traces back to a judgment delivered on 25.06.2026, by a Division Bench of this Court sitting at the Madurai Bench in W.P.(MD) No.7217 of 2022, whereby G.O.(Ms.) No.31, dated 09.03.2024, issued by the Backward Classes, Most Backward Classes and Minorities Welfare Department, was declared as unconstitutional and it was held that a person cannot claim backward class benefits purely by virtue of religious conversion, noting that such a practice is inconsistent with both constitutional principles and Islamic theology.

4. Following the aforesaid judicial declaration by the Madurai Bench, several organizations, including the fourth and fifth respondents, launched wide-ranging public protests across the State of Tamil Nadu. The petitioner asserts that these actions quickly moved past normal public criticism of a legal ruling. Instead, they turned into personalized, hostile and defamatory campaigns directed at one of the sitting members of the Division Bench.

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Posters were displayed, public rallies were organized and videos were distributed on social media networks. According to the petitioner, these displays used abusive language and caste-based remarks designed to undermine public confidence in the administration of justice.

5. Learned counsel for the petitioner vehemently contended that:

(i) Freedom of expression under Article 19(1)(a) of the Constitution of India protects fair, reasoned criticism of legal rulings. However, it does not protect deliberate personal attacks, intimidation or attempts to lower the authority of the bench.

(ii) The State has a constitutional duty to maintain an environment where Judges and Judicial Officers can perform their work without fear, favour, or external pressure.

(iii) Local police authorities failed to prevent these highly targeted public assemblies or restrict the spread of objectionable material online. This inaction

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has emboldened lawbreakers and threatened public order.

(iv) The Court must issue systemic guidelines to regulate public meetings concerning active legal proceedings, ensuring digital and physical evidence is preserved to hold offenders accountable.

6. Learned State Public Prosecutor appearing on behalf of the third respondent contended that:

(i) The petition relies on broad generalizations. It lacks crucial details for individual occurrences, such as exact dates, specific police jurisdictions, names of offenders, or specific formal complaints.

(ii) The State does not tolerate unlawful personal attacks against Judges. Law enforcement authorities have actively exercised their statutory powers. When the fourth respondent attempted to hold an unpermitted protest in Madurai on 29.06.2026, the police denied permission. When protestors assembled anyway, the police registered FIR No.152

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of 2026 under the Bharatiya Nyaya Sanhita. Similarly, FIR No.158 of 2026 was registered against members of the fifth respondent for a similar violation on 03.07.2026.

(iii) The current legal framework under Sections 148 and 163 of the Bharatiya Nagarik Suraksha Sanhita, alongside Section 41 of the Chennai City Police Act, gives local officials ample power to handle public disorder. Blanket orders banning all assemblies related to court decisions would violate constitutional freedoms and ignore necessary case-by-case assessments.

7. Refuting the aforesaid submissions, learned counsel for the petitioner submitted that the individuals prominently visible in the forefront of the protests within the circulated photographic and video evidence have not been arrayed as accused in the First Information Reports (FIRs) registered by the State Police. This omission, according to him, makes it a case of *res ipsa loquitur*

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that the law enforcement authorities have failed to take genuine and effective action against the actual persons responsible.

8. We have carefully considered the rival submissions advanced and perused the documents on record.

9. The case at hand requires us to strike a careful balance between two fundamental constitutional values, to wit, the individual right to free speech and the institutional right to judicial independence.

10. True judicial independence means judges must be free to decide cases based solely on the law and the facts before them. The Supreme Court of India has reiterated that an independent judiciary is a part of the basic structure of our Constitution. If judges are subjected to personal abuse, hostile threats or coordinated intimidation because of their judicial decisions, it will strike at the root of the legal system.

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11. Citizens have an undeniable right to disagree with a judgment. However, there is a clear legal line between criticizing a legal conclusion and attacking the individual judge who authored it. Coordinated actions that use abusive, defamatory or caste-based language to attack a sitting judge do not fall under protected free speech. They violate the reasonable restrictions set out under Article 19(2) of the Constitution of the India.

12. The records show that the State police did not remain entirely passive. They denied permissions for demonstrations in busy commercial areas and registered criminal cases when groups defied those orders. Yet, the widespread scale of these protests shows that regular local measures are not always enough to handle coordinated digital and physical campaigns. Law enforcement agencies must act quickly and uniformly across all districts to ensure personal vitriol is not allowed to masquerade as legitimate public protest.

13. Apropos the contention of learned counsel for the petitioner pertaining to the exclusion of specific individuals visible in

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media footage from the array of accused in the FIRs, it is well-settled that a FIR is not intended to be an encyclopaedia of the entire incident or an exhaustive roster of every individual offender at the very threshold. The registration of FIR No.152 of 2026 and FIR No.158 of 2026 establishes that criminal law has been duly set in motion. The precise identification and culpability of specific front-runners captured in digital evidence are matters strictly falling within the domain of factual verification during the statutory investigation. Therefore, the mere absence of individual names at the preliminary stage does not attract the doctrine of *res ipsa loquitur* to imply institutional passivity, so long as the ongoing investigative process is carried to its logical conclusion in a fair and thorough manner.

14. A blanket order completely banning all public discussions or peaceful gatherings concerning court rulings would go too far. It would infringe upon legitimate democratic expression. However, the State remains under a strict obligation to ensure that its public spaces and digital networks are not used to threaten the safety and integrity of our judicial institutions.

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15. We, therefore, dispose of this writ petition with the following directives:

(i) The State police and District Administration shall continue to evaluate all applications for public meetings, marches or protests regarding judicial matters on a strict case-by-case basis, using their powers under the BNSS and local Police Acts.

(ii) No permission shall be granted for any public gathering or march that aims to personally target, defame or intimidate a sitting judge. If a permitted assembly turns into a personal attack, the officers concerned shall end the event immediately and take appropriate legal action.

(iii) The Cyber Crime Division of the State Police is directed to maintain active surveillance over digital platforms, ensuring that online content does not transgress into criminal intimidation directed against sitting judges, and initiate swift action in accordance with law against any infractions.

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(iv) The police shall complete their investigation into the criminal cases, viz., FIR No.152 of 2026 and FIR No.158 of 2026, at the B-5 Southgate Police Station, in a fair, thorough and expeditious manner.

There shall be no order as to costs. All connected miscellaneous petitions are closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
30.10.2026

Index : Yes
Neutral Citation : Yes
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To:

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   Ministry of Home Affairs, New Delhi.

2. The Secretary, State of Tamil Nadu
   Home Department, Fort St. George,
   Chennai-600 009.

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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