

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 3590 of 2015 (W)

PETITIONER:

**C.P.I (M.L) RED STAR,
WAYANADU DISTRICT COMMITTEE,
REPRESENTED BY ITS SECRETARY
COMRADE A.VARGHESE BHAVAN, KALPETTA,
WAYANADU-673 121.**

**BY ADVS.SRI.P.V.SREENIVASAN
SRI.K.A.SREEJITH**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR, WAYANAD,
COLLECTORATE, KALPETTA-673 121.**
- 2. SUPERINTENDANT OF POLICE,
WAYANAD DISTRICT, KALPETTA-673 121.**
- 3. DEPUTY SUPERINTENDANT OF POLICE,
MANANTHAVADY, WAYANAD-670 645.**
- 4. SUB INSPECTOR OF POLICE,
MANANTHAVADY, WAYANAD-670 645.**
- 5. SECRETARY, MANANTHAVADY GRAMA PANCHAYATH,
MANANTHAVADY, WAYANAD-670 645.**

**R1 TO R4 BY SENIOR GOVT. PLEADER SRI.T.P.SAJID
BY ADDL. ADVOCATE GENERAL
R5 BY ADV. SRI.MANOJ RAMASWAMY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT P1 : THE TRUE COPY OF CERTIFICATE OF REGISTRATION WITH ELECTION COMMISSION OF INDIA.
- EXT P2 : THE TRUE COPY OF THE RECEIPT OF THE PAYMENT.
- EXT P3 : THE TRUE COPY OF LETTER OF APPLICATION FOR MIKE SANCTION.
- EXT P4 : THE TRUE COPY OF CHALAN FORM FOR MIKE SANCTION.
- EXT P5 : THE TRUE COPY OF THE PERMISSION LETTER.
- EXT P6 : THE TRUE COPY OF THE PROGRAMME NOTICE.
- EXT P7 : THE TRUE COPY OF THE WITHDRAWAL OF SANCTION LETTER.
- EXT P8 : THE TRUE COPY OF PETITION AGAINST EXHIBIT P7 BEFORE 1ST RESPONDENT AND CHIEF MINISTER OF KERALA.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 3590 of 2015

Dated this the 12th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “a) Directing Respondents to grant sanction to petitioner to observe the martyrdom day of Com.A. Varghese on 18/2/2015 as per Exhibit P6 notice at public stage of Gandhi Park, Mananthavady by using mike complying all legal formalities, finding that Exhibit P7 is an illegal and unwarranted one without any basis.*
- b) Grant any other prayer during the pendency of this petition which are deemed fit and apt to be granted as and when prayed for.”*

2. When the matter is taken up for consideration, the learned counsel for the Panchayat submits that the Panchayat has already collected necessary fee for granting sanction from two different groups and accordingly, sanction has been granted to both the groups including the petitioner, to conduct the meeting at the very same venue, at different time. In the case of the 1st party, the time schedule is between 5 to 5.45 pm and in the case of the petitioner, it is between 5.46 to 8.30 p.m., as agreed to by both the parties in the course of a settlement between the two groups.

3. The learned Government Pleader appearing for the

respondents 2 to 4 submits that, such a course has been pursued by the Panchayat after collecting the requisite fees from both the sides which was not proper; adding that the close proximity between the two time schedules may give rise to law and order situation.

4. After hearing both the sides, this Court finds that, the petitioner admittedly has been given more time from 5.46 p.m. to 8.30 p.m., whereas the other group has been given the time schedule from 5 p.m. to 5.45 p.m. No prejudice will be caused to the petitioner, if the meeting is scheduled to be commenced from 6.30 p.m. onwards, so as to enable the concerned respondent and the Police to clear the venue, once the meeting of the other group is over by 5.45 p.m.

Accordingly, the writ petition is disposed of, recording the settlement arrived at in between, making it clear that, the petitioner will stand permitted to convene the meeting at the spot from 6.30 p.m. on 18.02.2015 instead of from 5.46 p.m. It will be for the respondent Panchayat and also to the Police to see that the meeting place is cleared at 5.45 p.m., on conclusion of the meeting of the other group. Necessary care and caution shall be taken by the Police to see that there is no threat to the law and order situation, in any manner, from any

corner. Subject to this, permission shall be given to the petitioner as well, for using the 'loudspeaker' with appropriate restrictions in accordance with law.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

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