

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.11016 of 2015
and
M.P.No.1 of 2015

S.Elango

... Petitioner

vs

1. The Deputy Commissioner of Police
Law and Order, Coimbatore City
Coimbatore

2. The Inspector of Police
B-6, Peelamedu Police Station
Coimbatore

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the order of rejection passed in Na.No.770/A/Ka.Thu.Aa/Sa.O./Ko.Ma./2015 dated 9.4.2015, on the file of the first respondent and quashing the same and directing the respondents to permit the petitioner to hold public meeting celebrating the birthday of Dr.Ambedkar with public awareness music programme on 4.5.2015, or any other subsequent date at Aavarampalayam (near Pugal Studio) under the 2nd respondent's jurisdiction.

For Petitioner : Mr.S.Doraisamy

For Respondents : Ms.P.Rajalakshmi
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claiming to be the Vice President of Thanthai Periyar Dravidar Kazhagam, Coimbatore, has submitted an application on 29.3.2015, praying for permission to conduct a public meeting on 12.4.2015, at about 6.00 P.M., in connection with the Birthday Anniversary of Dr.Ambedkar, and it was rejected on 9.4.2015, by the first respondent citing the reasons of traffic congestion and

law and order problem. Challenging the legality of the said order, the present writ petition is filed.

3. Heard the submissions of Mr.S.Doraisamy, learned Counsel appearing for the petitioner, who would submit that every time, the petitioner-association submits applications for conducting a public meeting in respect of the above, the same are routinely rejected by citing the reasons regarding traffic congestion and law and order problem, and the said reasons, on the face of it, are unsustainable and violate the freedom of speech and expression enshrined in the Constitution of India, and hence, prays for appropriate orders.

4. Per contra, Ms.P.Rajalakshmi, learned Government Advocate, who accepted notice for the respondents 1 and 2, would submit that in the event of the petitioner-association being allowed to conduct the meeting in the particular area, it would definitely lead to traffic congestion affecting the vehicular traffic and it may also result in law and order problem and taking into consideration the public interest only, the first respondent has rightly rejected the application submitted by the petitioner for holding the public meeting on that particular day, and hence, prays for dismissal of the writ petition.

5. This Court has carefully considered the rival submissions.

6. The freedom of speech and expression is enshrined in the Constitution of India and of course, it is subject to reasonable restrictions. The petitioner prayed for permission to conduct the meeting in connection with the Birthday Anniversary of Dr.Ambedkar, and therefore, it cannot be stated that the mere conducting of the meeting would result in law and order problem. If the respondents apprehend any law and order problem, it is always well within their domain, of course, in accordance with law, to take appropriate steps, either to prevent, or to take a remedial action and with regard to the reasons cited that the conducting of the meeting may result in traffic congestion, it is also open to them to regulate the traffic accordingly.

7. The learned Government Advocate appearing for the respondents, would submit that there are certain earmarked places for conducting the public meeting in and around Coimbatore City and it is open to the petitioner to choose any one of the places for conducting the present meeting.

8. In the result, the writ petition is partly allowed and the impugned order dated 9.4.2015, passed by the first respondent, is set aside and the respondents are directed to furnish information to the petitioner as to the location of places in Coimbatore City with regard to the conduct of public meeting, within one week from the date of receipt of a copy of this order, so as to enable him to conduct the public meeting in connection with the Birthday

Anniversary of Dr.Ambedkar, and it is open to the petitioner-association to choose any one of the places. It is also open to the respondents to impose any reasonable conditions in accordance with law, to enable the petitioner to conduct the public meeting. The petitioner-association while propagating their objectives, shall also keep in mind, the sentiments of the public and conduct the meeting in an orderly manner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Deputy Commissioner of Police
Law and Order, Coimbatore City
Coimbatore
2. The Inspector of Police
B-6, Peelamedu Police Station
Coimbatore

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.20807
+1cc to the Government Pleader, S.R.No.21116

W.P.No.11016 of 2015

RJ(CO)
CA(21/04/2015)

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