

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.12040 of 2015

and

M.P.No.1 of 2015

B.Thennarasu

District Secretary of Avadi

Dravidar Kazhagam

Periyar Maligai

No.3, Gandhi Street,

Ramalingapuram,

Kamarasa Nagar, Avadi

Chennai 600 071

... Petitioner

vs

The Inspector of Police (L & O)

T-12, Poonamallee Police Station

Poonamallee, Chennai 600 056

... Respondent

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 rejection letter in Paravai:Ka.Na.No.19/T-12 Kaa.Ni/2010 dated 14.4.2015, issued by the respondent and quashing the same and also directing the respondent to grant permission for conducting a Meeting in the name of "Dravidar Vizhippunarvu Vattara Manadu" at Judge Chellappa Street, Poonamallee, on 27.4.2015, based upon the petitioner's representation dated 16.4.2015.

For Petitioner : Mr.S.Kumaradevan

For Respondent : Mr.V.Subbiah
Special Government Pleader
Assisted by
Ms.P.Rajalakshmi
Government Advocate

ORDER

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

2.The petitioner claims that he is holding the post of District Secretary of Avadi Dravidar Kazhagam (DK) and the said organisation is a non-political and social reforms organisation and they are following the principles of "Thanthai Periyar and Dr.Baba Sahib B.R.Ambedkar" and their main object is to eradicate superstitious beliefs, abolish caste system, educate to follow rationalist thinking and to fight for the human rights.

3.The petitioner would further state that he made a representation on 4.4.2015, to the respondent to grant permission to conduct a meeting in the name of "Dravidar Vizhippunarvu Vattara Manadu" on 28.4.2015, and due to some unforeseen circumstances, the it has been preponed to 27.4.2015. However, the said application was rejected by the respondent on 14.4.2015, stating that if a public meeting is conducted in the place viz. Judge Chellappa Street, Poonamallee, it will cause hindrance to the public as well as to the free movement of traffic. The petitioner, challenging the legality of the said order, has filed this writ petition.

4.Mr.S.Kumaradevan, learned Counsel appearing for the petitioner, has drawn the attention of this Court to the copy of the pamphlet issued by a particular political party with regard to conduct of a public meeting, wherein the representatives of the other political party had also participated, and would submit that the said meeting was allowed to be conducted on 2.4.2015, at 5.00 P.M., in the very same place viz. Judge Chellappa Street, Poonamallee, and therefore, the reasons cited by the respondent that if the meeting is conducted, it may result in inconvenience to the public and hindrance to the traffic, is not at all sustainable, but only motivated and hence, prays for appropriate orders.

5.Per contra, Mr.V.Subbiah, learned Special Government Pleader, assisted by Ms.P.Rajalakshmi, learned Government Advocate, who accepts notice for the respondent, would vehemently contend that now the respondent has earmarked three places for conducting the political/public meetings viz. (1) Near Pillaiyar Temple at Sennikuppam; (2) Near 200 Feet Outer Ring Road and (3) Kumanan Chavadi, and it is open to the petitioner to choose any one of the above said places.

6.In response to the said submission, the learned Counsel appearing for the petitioner, would submit that even if the petitioner is willing to conduct the meeting in Kumanan Chavadi, the fact remains that permission has already been granted to the private organisation to conduct a Fair in that place, and therefore, the petitioner may not be in a position to organise the meeting.

7.This Court has carefully considered the rival submissions and also perused the materials placed before it.

8.A perusal of the xerox copy of the pamphlet produced by the learned Counsel appearing for the petitioner, would disclose that aggrieved by the act of the Central Government in bringing an amendment to The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013), all party meeting was conducted by a prominent opposition party and it was permitted to be held on 2.4.2015, in the very same place viz. Judge Chellappa Street, Poonamallee.

9.In the light of the aforesaid fact, this Court is of the view that there cannot be any impediment to permit the petitioner to hold a meeting in the same place.

10.In the result, the writ petition is allowed and the impugned order dated 14.4.2015, passed by the respondent, is set aside, and the petitioner is permitted to conduct a meeting on 27.4.2015, between 6.00 P.M. And 10.00 P.M., and the organisers of the meeting shall ensure that there shall not be any law and order problem or public inconvenience and they shall not do or utter anything, affecting the public sentiments. However, this Court, taking into consideration the submission made by the learned Special Government Pleader, directs the respondent not to accord permission to conduct a meeting of any sort, in the place viz. Judge Chellappa Street, Poonamallee, in future and instead, they may grant permission to hold such meetings in the above said three places. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

The Inspector of Police (L & O)
T-12, Poonamallee Police Station
Poonamallee, Chennai 600 056.

+ 1 cc to Mr.S.Kumaradevan, Advocate Sr.22376
+ 1 cc to Mr.Government Pleader, SR.22529

W.P.No.12040 of 2015

CTK(CO)
Eu 08.05.15

सत्यमेव जयते

WEB COPY