

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12332 of 2015
and M.P.No.1 of 2015

P.Muthaiyan

.. Petitioner

Versus

- 1 The Commissioner of Police
O/o The Commissioner of Police Greater
Chennai, Egmore Chennai 600 008.
- 2 The Inspector of Police(L & O)
S-5 Pallavaram Police Station, Pallavaram
Chennai - 600 043. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified Mandamus, Call for the records relating to the rejection letter dated 09/04/2015 issued by the 2nd respondent and quash the same and also direct the 2nd Respondent to grant permission for conduction a meeting in the name of Dravidar Vizhippunarvu Vattara Manadu at Ranganathan st pallavaram on 16/05/2015 based upon the petitioner Representation dated 08/04/2015

For Petitioner : Mr.S.Kumara Devan
For Respondents : Mr.Durai Solaimalai
Additional Government Pleader.

O R D E R

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

2. The petitioner claims that he is holding the post of District Secretary of 'Dravidar Kaazhagam', a non-political outfit and to propagate the ideologies of 'Thanthai Periyar', the party Executive Committee decided to conduct a Regional Conference in the name of 'Dravidar Vizhippunarvu Vattara Maanadu' and in this regard, they submitted an application dated 08.04.2015 to conduct a meeting near Ranganathan Street, Pallavaram and it was rejected on 09.04.2015 by the 2nd respondent stating that the said place is earmarked only for the purpose of conducting public meetings or demonstrations and regional conference cannot be held.

petitioner would submit that though, it is stated as a regional conference, minimum of 300 to 400 persons are likely to participate in the meeting and there cannot be any impediment on the part of the respondents to allot the said place to conduct the meeting and further prayed to permit them to submit a fresh application with required details of the programme and on receipt of the same, the respondents may be directed to consider and dispose of the said application/representation.

4. Per contra, Mr.Durai Solaimalai, learned Additional Government Pleader, who accepts notice for the respondents would submit that near the street, a temple viz., Ranganathan Temple is located and there is likely to be an apprehension of law and order problem and the petitioner may have to furnish the details sought for by the respondents and in that event their application will be considered.

5. This Court has carefully considered the rival contentions and perused the materials placed on record.

6. Holding a public meeting and espousing a public cause is a fundamental right enshrined in the Constitution of India, subject to reasonable restriction. The petitioner wants to conduct a regional conference to propagate the ideologies of 'Thanthai Periyar' and therefore, it cannot be said that it is against the public policy or morality.

7. This Court, taking into consideration the plea made by the learned counsel appearing for the petitioner that he may be permitted to submit a fresh application and on that application orders may be passed permitting them to hold a regional conference, is of the view that the petitioner has to be given one more opportunity to do so.

8. In the result, the writ petition is disposed of and the petitioner is at liberty to submit a fresh application within a period of one week from the date of receipt of a copy of this order, giving the details such as expected participants and the approximate number of vehicles carrying the participants and on receipt of the same, the 2nd respondent is directed to consider the said application on merits and in accordance with law and pass orders within a period of one week, thereafter and inform the decision taken to the petitioner. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner of Police
O/o The Commissioner of Police Greater
Chennai, Egmore Chennai 600 008.
- 2 The Inspector of Police(L & O)
S-5 Pallavaram Police Station, Pallavaram
Chennai - 600 043.

- 1 cc to Mr. S.Kumara Devan, Advocate, SR.No.22746
- 1 cc to Government Pleader, Sr.No22939

W.P.No.12332 of 2015

ALA(CO)
PMK.6.5.2015



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