

In the High Court of Judicature at Madras

Dated : 14.05.2015

Coram

The Honourable Mr.Justice R.SUBBIAH

W.P.No.14526 of 2015
and
M.P.Nos.1 & 2 of 2015

Na.Ve.Nirmalkumar

... Petitioner

...vs...

1. The Superintendent of Police,
Coimbatore District,
Coimbatore.
2. The Deputy Superintendent of Police,
Perur Sub-Division,
Coimbatore.

... Respondents

Writ Petition has been filed under Article 226 of Constitution of India praying for issuance of a writ of certiorarified Mandamus calling for records sequel to the impugned order passed by the second respondent dated 09.05.2015 in Na.Ka.En:70/Pe-u/Se.Mu.Aanai/2015 and to quash the same and consequently, direct the respondents to grant permission for conducting MUPPERUM VIZHA cum Public Meeting on 17.05.2015 from 06.00 pm to 10.00 pm at the venue of Kinnatthukadavu Anna Thidal situated in front of City Bakery pursuant to the petitioner's representation dated 19.04.2015.

For Petitioner : Mr.N.G.R.Prasad
For Mr.R.Thirumoorthy

For Respondents : Mr.A.Kumar, Spl.GP &
Mr.P.Sanjay Gandhi, AGP.

WEB COPY
ORDER

This Writ Petition has been filed praying for issuance of a writ of certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent dated 09.05.2015 in Na.Ka.En:70/Pe-u/Se.Mu.Aanai/2015 and to quash the same and consequently, direct the respondents to grant permission for conducting MUPPERUM VIZHA-cum-Public Meeting on 17.05.2015 from 06.00 pm to 10.00 pm at the venue of Kinnatthukadavu Anna Thidal situated in front of City Bakery.

2.The petitioner is the District Secretary of Dravidar Viduthalai Kazhagam in Pollachi. The petitioner and other affiliated members of the said Kazhagam are working for the welfare of the society and render their service to the oppressed and depressed people in the society. The said Kazhagam is continuously campaigning for communal eradication. Now, they have planned to hold a public meeting/MUPPERUM VIZHA on 17.05.2015 at Kinatthukadavu from 6.00 pm to 10.00 pm and decided to conduct an inter-caste marriage between comrades V.Indhumathi and Nirmalkumar. Hence, the petitioner had given a representation to the 2nd respondent-Police requesting them to grant permission for the said MUPPERUM VIZHA. After receiving the representation on 19.04.2015, the 2nd respondent-Police informed the petitioner that they would process the requisition within a week and instructed the petitioner to come after a week. But, thereafter, there was no response from the respondents-Police. Hence, the petitioner had filed a writ petition in W.P.No.14161 of 2015 seeking for a direction to the respondents to grant permission for the meeting on 17.05.2015. By order dated 07.05.2015, this Court directed the respondents to consider the representation of the petitioner and pass orders. Pursuant to the same, the 2nd respondent has passed the impugned order rejecting the requisition of the petitioner. Aggrieved over the same, the present writ petition has been filed by the petitioner.

3.When the matter was taken up for consideration, the learned Special Government Pleader submitted that the requisition for permission was rejected by the 2nd respondent mainly on the ground that if the petitioner is permitted to conduct MUPPERUM VIZHA/Public Meeting, there will be a law and order problem. Further, the petitioner and other members of the said Kazhagam are planning to conduct Voluntary removal of Thali programme. In fact, during last March, when Dravidian Kazhagam conducted Voluntary Removal of Thali Programme at Chennai, there was a law and order problem. Thus, the learned Special Government Pleader opposed to grant permission to the petitioner to conduct the public meeting.

4.The learned senior counsel appearing for the petitioner submitted that the petitioner and other members of the said Kazham are going to conduct only an inter-caste marriage in a peaceful manner and they are not going to conduct any Voluntary removal of Thali programme. Further, the petitioner and other members of the Kazhagam are ready to co-operate with the Police in conducting the meeting in peaceful manner.

5.Heard the submissions made on either sides.

6.Since the learned senior counsel for the petitioner submitted that they are going to conduct only an inter-caste marriage and they are not going to conduct any Voluntary Removal of Thali programme, I am of the opinion that permission could be granted to conduct the public meeting imposing certain conditions.

7. Accordingly, the impugned order is quashed and the respondents are directed to give permission to the petitioner to conduct MUPPERUM VIZHA / public meeting on 17.05.2015 from 06.00 to 10.00 pm at Kinnatthukadavu Anna Thidal, after imposing the following conditions_

(i) the meeting shall be conducted without causing any hindrance to general public;

(ii) procession should move quietly and peacefully;

(iii) no words, actions, expressions shall be made by the petitioners and others affecting the sentiments of others;

(iv) the meeting shall not be conducted after 10.00 pm.

Apart from the above conditions, the respondents-Police are also at liberty to impose any other necessary condition as they deem fit and proper.

With the above terms, the writ petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Vacation Officer (CS II)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Superintendent of Police,
Coimbatore District,
Coimbatore.
2. The Deputy Superintendent of Police,
Perur Sub-Division,
Coimbatore.

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.48037

+1cc to the Government Pleader, S.R.No.25241

W.P.No.14526 of 2015

and

M.P.Nos.1 & 2 of 2015

BVR(CO)

CA(15/05/2015)