

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.5.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.DHANAPALAN

W.P.No.14568 of 2015 and
M.P.Nos.1 and 2 of 2015

E.K.Chokkalingam

... Petitioner

vs.

1. The State rep. by the Superintendent
of Police, Salem District, Salem.

2. The State rep. by the Inspector of Police,
Karumalikoodal Police Station,
Salem District.

... 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 sequel to the impugned order passed by the second respondent dated 08.05.2015 in Proceedings Na.Ka.No.55/Mike/K.Koodal PS/2015 and to quash the same and consequently, direct the respondents to grant permission to hold procession and public meeting on 30.05.2015 at the venue of Veerakalputhoo Panchayat Medai in Mettur sequel to an eradication of superstitious practice pursuant to the petitioner's representation dated 04.05.2015.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India, seeking to quash the impugned order passed by the 2nd respondent dated 08.05.2015 and for a consequential direction, directing the respondents to grant permission to hold procession and public meeting on 30.05.2015 at the venue of Veerakalpathoor Panchayat Medai in Mettur sequel to an eradication of superstitious practice pursuant to the petitioner's representation dated 04.05.2015.

2. Mr.R.Thirumoorthy, learned Counsel appearing for the petitioner would mainly urge that the rejection of the petitioner's representation dated 04.05.2015 is arbitrary, unjustified, erroneous, illegal and against the principles of natural justice. He would further contend that Article 19(2) of the Constitution of India provides right to freedom of expression subject to reasonable restriction, but that would not tantamount to negation of the rule of law. Therefore, the impugned order of the 2nd respondent is contrary to the right guaranteed under Article 19(1)(a) of the Constitution of India. The learned Counsel for the petitioner would also submit that holding a procession is a peaceful assembly and it cannot be termed as unlawful or otherwise. Therefore, the impugned order has to be quashed.

3. Resisting the said submission, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents would submit that it is the duty of the State to regulate and maintain law and order. He would further submit that the performance of procession and public meeting would affect the law and order. Therefore, the rejection order has been passed and the same is in accordance with law. He would also submit that the nature of the function sought to be propagated in the public meeting, to be held on 30.05.2015, would definitely create certain social problems and therefore, the decision of the law enforcing authority is correct.

4. Having regard to the facts and circumstances of the case and as the freedom of expression is the fundamental right guaranteed under Article 19(2) of the Constitution of India, the 2nd respondent is directed to permit the petitioner to hold procession and to conduct public meeting on 30.05.2015 at the venue of Veerakalputhooor Panchayat Medai in Mettur sequel subject to the terms and conditions that the second respondent may impose.

V.DHANAPALAN, J.

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5. The Writ Petition stands allowed to the extent indicated above. No costs. Consequently, connected Miscellaneous Petitions are also closed

28.05.2015

Index : Yes
Internet : Yes
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To

1. The Superintendent of Police, Salem District, Salem.
2. The Inspector of Police,
Karumalikoodal Police Station,
Salem District.

W.P.No.14568 of 2015

