

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15653 of 2015

P.Muthaiyan

.. Petitioner

Versus

1. The Commissioner of Police
O/o.The Commissioner of Police Greater
Chennai Veppery Chennai 7
- 2 The Assistant Commissioner of
Police O/o.The Assistant Commissioner of
Police Pallavaram Range Pallavaram
Chennai 43
- 3 The Inspector of Police (L&O)
S-5 Pallavaram Police Station Pallavaram
Chennai 43 .. 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 order in Na. Ka. No. 48/Kaa. Vu.Aa/ Pa/ Sa/O.Pe/2015 dt 30.5.2015 passed by the 2nd respondent and quash the same and also direct the respondents to grant permission for conducting a Meeting in the name of Dravidar Vizhippunarvu Vattara Manadu at Ranganathan Street Pallavaram on 10.6.2015 or any other day as fixed by this Honourable Court.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mrs.P.Rajalakshmi
Government Advocate.

O R D E R

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

2. The petitioner claims that he is the District Secretary of 'Dravidar Kaazhagam', which is a a non-political and social reforms organization and the said party is following the principles of Thanthai Periyar and Dr.Baba Saheb B.R.Ambedkar. The petitioner

would further state that the main object and the principle of the party is to eradicate superstitious beliefs, to abolish caste system, to educate to follow rationalist thinking and to fight for the Human Rights.

3. The petitioner would further submit that in order to propagate the ideologies of 'Thanthai Periyar Dr.Baba Saheb B.R.Ambedkar', the party Executive Committee decided to conduct a Regional Conference in the name of 'Dravidar Vizhippunarvu Vattara Maanadu' and accordingly, more than 200 conferences were conducted all over Tamil Nadu in a peaceful and orderly manner, without affecting the sentiments of anybody.

4. The petitioner originally submitted an application on 08.04.2015 to conduct the meeting at Pallavaram, Ranganathan Street and it was rejected on 09.04.2015 and challenging the same, W.P.No.12332 of 2015 was filed and it was disposed of, vide order dated 24.04.2015, permitting the petitioner to submit a fresh application within a period of one week from the date of receipt of a copy of the order giving the details, such as expected participants and approximate number of vehicles carrying the participants and on receipt of the same, the 2nd respondent therein viz., Inspector of Police (L&O), S-5, Pallavaram Police Station, was directed to consider the said application on merits and in accordance with law and pass orders within a period of one week.

5. Accordingly, the petitioner submitted a fresh application and once again it was rejected on 12.05.2015 and it was also put to challenge by filing W.P.No.14784 of 2015 and it was dismissed on 20.05.2015, observing that the relief sought for in the writ petition has become infructuous and however, liberty was granted to the petitioner to submit a fresh application. Accordingly, the petitioner submitted one more application and on receipt of the same, the 2nd respondent viz., The Assistant Commissioner of Police, Pallavaram Range, Chennai, issued a show cause notice dated 28.05.2015, for which the petitioner has submitted a detailed reply and the 2nd respondent on consideration of the same has rejected the said application vide impugned order dated 30.05.2015, observing about the past conduct of the members of the said party and aggrieved by the same, the present writ petition is filed.

6. Mr.S. Kumara Devan, learned counsel appearing for the petitioner would vehemently contend that the right of speech and expression is a fundamental right enshrined in the Constitution of India and the petitioner by conducting 'Dravidar Vizhippunarvu Vattara Maanadu', want to espouse the ideologies of Thanthai

Periyar and Baba Saheb Dr.B.R.Ambedkar and therefore, it cannot be said that in the event of conducting the meeting there is any likelihood of any law and order problem and on instructions, he would further submit that in the event of permission being granted to conduct the meeting the sentiments and feeling of people belonging to a particular religion or community will not be wounded and the meeting will be conducted in a peaceful and in an orderly manner.

7. Per contra, Ms.P.Rajalakshmi, learned Government Advocate, who accepts notice for the respondents, has strongly opposed the grant of such a permission to the petitioner organization by submitting that on an earlier occasion, some of the members of the petitioner party had indulged in Thali removal function and snatching of "Poonool" or Holy Thread and developed enmity with Hindu organizations and some of the organizations has also raised objections and therefore, she objected to the grant of permission to such a meeting and prayed for dismissal of the writ petition.

8. This Court has carefully considered the rival contentions and perused the materials placed before it.

9. As rightly contended by the learned counsel for the petitioner, the right of speech and espousing a public cause is a fundamental right enshrined in the Constitution of India, subject to reasonable restriction. According to the petitioner, a decision has been taken to conduct Regional Conference in the name of 'Dravidar Vizhippunarvu Vattara Maanadu' and accordingly, the Dravidar Kazhagam, has conducted more than 200 conferences all over Tamilnadu. In the considered opinion of the Court, conducting a meeting to project the ideologies of Thanthai Periyar and Baba Saheb Dr.B.R.Ambedkar cannot said to be insight on account of the fact that the grant of permission would affect the sentiments of the people belonging to a particular religion or community. This Court has also taken into consideration the submission made by the learned counsel appearing for the petitioner that in the event of permission being granted the meeting will be conducted in a peaceful and orderly manner and the speeches to be made in the said meeting would not affect the sentiments of the particular religion or community.

10. In the result, the writ petition is allowed and the 3rd respondent is directed to grant necessary permission to conduct the meeting at Pallavaram Ranganathan Street and it is open to the respondents to impose any reasonable conditions for orderly conduct of the meeting on 10.06.2015 or any other subsequent date. It is also made clear that is also the duty of the police to prevent any law and order problem and in the event of some untoward incident,

it is always open to the police to take action strictly in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police
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Chennai Veppery Chennai 7
 - 2 The Assistant Commissioner of
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Chennai 43
 - 3 The Inspector of Police (L&O)
S-5 Pallavaram Police Station Pallavaram
Chennai 43.
- 1 cc to Government Pleader, Sr.No26522
1 cc to Mr.S.Kumara Devan ,Advocate, SR.No.26390

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