

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.17576 of 2015

K.R.Jagadeeshwaran

... Petitioner

vs

1. The Commissioner of Police
Chennai City,
Egmore, Chennai.
2. The Assistant Commissioner
of Police
Madipakkam Range
Madipakkam, Chennai.
3. The Inspector of Police
Adambakkam Police Station
Adambakkam, Chennai 600 088

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to permit the petitioner to conduct the function at 10 A.M. on 20.6.2015, at New Colony, Adambakkam.

For Petitioner : Mr.R.Vivekananthan

For Respondents : Mr.N.Roofus Abraham
Government Advocate

सत्यमेव जयते
ORDER

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

2.The petitioner claims to be an organiser of Youth Wing of a particular political party and is also it's 165th Ward Secretary of Chennai. The petitioner would state that on 20.6.2015, the President of the said political party will be celebrating his 92nd Birthday and in his honour, the petitioner along with the members of Youth Wing and 165th Ward of the particular party have made all necessary arrangements to conduct the function at New Colony, Adambakkam, at 10.00 A.M., wherein, number of important political personalities of the particular parties are expected to attend, and in this regard, submitted an application dated 17.6.2015, praying for necessary

permission to conduct a meeting in accordance with law, and in the said application, the place, in which, the meeting is stated to be conducted, has also been indicated. However, the second respondent vide proceedings No.19/ACP-MR/Camp-2015 dated 18.6.2015, has rejected the same on the ground that it is not an allotted place for conducting the meeting.

3.The learned Counsel appearing for the petitioner, would submit that though the petitioner has prayed for issuance of a writ of mandamus, subsequent to the filing of this writ petition, the order of rejection dated 18.6.2015, came to be passed and this Court may mould the relief and would further submit that the petitioner has also mentioned the alternate place and in all fairness, the second respondent ought to have considered the request and permitted the petitioner to conduct the meeting at least, in that alternate place and prays for appropriate orders.

4.The Court heard the submissions of Mr.N.Roofus Abraham, learned Government Advocate, who accepted notice on behalf of the respondents, also, and he would submit that since the place is not an allotted/permitted one to conduct the meeting and taking into consideration the overall facts and circumstances, the request made by the petitioner, was rightly rejected and prays for dismissal of this writ petition.

5.The Court has carefully considered the rival submissions and also perused the materials placed before it.

6.It is a well settled position of law that the right to conduct a meeting and espouse a view, is a fundamental right guaranteed under the Constitution of India, and it is subject to reasonable restrictions. As rightly contended by the learned Counsel appearing for the petitioner, even in the application, the petitioner has suggested the alternate place viz. New Colony Second Street, Adambakkam, and therefore, there cannot be any impediment on the part of the second respondent, to accord permission to the petitioner to conduct the public meeting in that place.

7.The order of rejection dated 18.6.2015, came to be passed subsequent to the filing of the writ petition, and though the prayer sought for by the petitioner, is for issuance of a writ of mandamus, this Court, in the facts and circumstances, is of the view that the above said order is liable to be set aside.

8.In the result, the writ petition is allowed and the order dated 18.6.2015, passed by the second respondent, is set aside and the second respondent is directed to accord permission to the petitioner to conduct the meeting at New Colony Second Street, Adambakkam, by imposing reasonable conditions. It is also made clear that the petitioner, while conducting/organizing the meeting, shall not indulge in violence, which may lead to law and order problem, and utter something, which may affect the sentiments of a particular

group or religion. Needless to say that in the event of any law and order problem, it is always open to the respondents to deal with the situation strictly in accordance with law. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Commissioner of Police
Chennai City,
Egmore, Chennai.
2. The Assistant Commissioner
of Police
Madipakkam Range
Madipakkam, Chennai.
3. The Inspector of Police
Adambakkam Police Station
Adambakkam, Chennai 600 088

+1cc to Mr.R.Vivekananthan, Advocate, S.R.No.30287
+1cc to the Government Pleader, S.R.No.30319

W.P.No.17576 of 2015

RSK(CO)
CA(02/07/2015)

सत्यमेव जयते

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