

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18360 of 2015

A.Arunavelayutham

...Petitioner

Vs.

1 Commissioner of Police
Chennai City Egmore Chennai.

2 Asst. Commissioner of Police
Thiruvannmiyur Range Thiruvannmiyur
Chennai - 600 041.

3 Inspector of Police J3
Thiruvannmiyur Police Station Thiruvannmiyur
Chennai-600 041.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records regarding the order issued by 3rd respondent dated 23.06.2015 and quash the same and direct the Respondents to permit the Petitioner to conduct the function at 6 p.m. on 28.06.2015 at 1st Avenue, Thiruvalluvar Nagar, Thiruvannmiyur near RTO Office.

For Petitioner : Mr.E.Raj Thilak

For Respondents : Mr.P.Rajalakshmi
Government Advocate

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O R D E R

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

2.The petitioner is the President of Velachery East Division of Dravida Munnetra Kazhagam (DMK) and submitted an application dated 22.06.2015 to the third respondent praying for appropriate permission to conduct a function for free distribution of essential articles to the public in connection with the 92nd birth anniversary of the President of DMK party and it was rejected on 23.06.2015 on the ground that the said place can be used only for conducting a street corner meeting and not for conducting a public meeting. The petitioner challenging the legality of the order has filed this writ petition.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that in the very same place near the 1st Avenue, Thiruvalluvar Nagar, Thiruvannamiyur, Chennai - 41 near RTO Office, the very same party was permitted to conduct a meeting on 12.04.2015 and similar permission may be granted to the petitioner to conduct similar meeting and there cannot be any impediment on the part of the respondents 2 and 3 to grant such a permission.

4.This Court heard the submission of learned Government Advocate who accepts notice on behalf of the respondents and would submit that the rejection order came to be passed taking into account the traffic jam and other inconvenience caused to the public and if the petitioner chooses any alternative place, the application will be considered in accordance with law.

5.This Court has considered the rival submissions and also perused the materials placed before it. From page no.4 of the typed set, it is shown that the 182nd ward members of the very same party has conducted the meeting on 12.04.2015, Sunday at 8.00 a.m., in which the former Mayor of Chennai Corporation had also participated. In the light of the said facts, there cannot be any impediment on the part of the respondents 2 and 3 to grant permission to the petitioner to conduct the meeting in the very same place which according to him is meant for free distribution of essential articles to the public.

6.In the result, the writ petition is allowed and the impugned order dated 23.06.2015 is set aside and the respondents 2 and 3, namely, Assistant Commissioner of Police, Thiruvannamiyur Range, Thiruvannamiyur, Chennai - 600 041 and Inspector of Police, J3 Thiruvannamiyur Police Station, Thiruvannamiyur, Chennai-600 041 are directed to accord necessary permission to conduct the meeting as sought for by the petitioner in his application dated 22.06.2015 by imposing reasonable conditions. It is also open to the respondents 1 to 3 to ear-mark the place at Thiruvannamiyur for conducting public

meeting either by political parties or other organizations so that in future such meetings can be held only in that place. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 Commissioner of Police
Chennai City Egmore Chennai.
- 2 Asst. Commissioner of Police
Thiruvanniyur Range Thiruvanniyur
Chennai - 600 041.
- 3 Inspector of Police J3
Thiruvanniyur Police Station Thiruvanniyur
Chennai-600 041.

1 CC to the Government Pleader, SR.No. 31456

GGK (CO)
PSI (28.07.2015)

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