

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19197 of 2015

M.Raja

.. Petitioner

- Vs -

1. The Director General of Police,
State of Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
2. Commissioner of Police,
Chennai City,
Egmore, Chennai.
3. Asst. Commissioner of Police,
Saidapet Range,
Saidapet, Chennai - 600 018.
4. The Inspector of Police,
J-1, Saidapet Police Station,
Saidapet, Chennai - 600 018.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to permit to conduct the function at 6 pm on 03.07.2015 at Kaveri Nagar, Shastri Main Road, near Aranganathan Subway, Saidapet.

For Petitioner : Mr.R.Vivekananthan

For Respondents : Mr.Rm.Muthukumar
Government Advocate

O R D E R

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

2. The petitioner claims that he is the District Representative of 171st Ward of Dravida Munnetra Kazhagam (DMK). It is stated by the petitioner that on 20.06.2015, the President of DMK party celebrated his 92nd birthday and in his honour and to propagate his

ideology the said party members are conducting various meetings in the city of Chennai as well as through out Tamil Nadu. The petitioner being the Division Secretary of the 171st Ward of the said party, wants to celebrate the birthday of his leader and therefore submitted an application dated 26.06.2015 to the 4th respondent praying for permission to conduct the meeting with the expected participation of 500 members or more and also suggested some places to hold the meeting. However, the said application of the petitioner was rejected on 30.06.2015, by the 4th respondent stating that as per the decision taken, in Saidapet two places viz., (1) Kuyavar Street, Saidapet and (2) Karuneeswarar Temple Street Theradi, Saidapet are earmarked for holding public meetings and other places viz., (1) Kothavalchavadi Street near Kumar Laundry Shop (2) Parsn Complex, VGP Salai (3) K.P.Kovil Street near Maari Hotel (4) East CIT Nagar 4th Street, Canal Bank Road junction (5) Appavu Nagar near Aranganathan Subway and (6) New Colony near Pillayar Kovil are earmarked for holding street corner meetings. Since the petitioner has sought for the place which was earmarked for holding street corner meeting, permission was not granted and accordingly his application was rejected. Hence, the petitioner has come forward with this writ petition.

3. Heard the submissions of Mr.R.Vivekananthan, learned counsel appearing for the petitioner and Mr.Rm.Muthukumar, learned Government Advocate accepts notice for the respondents.

4. The learned counsel for the petitioner would submit that the meeting is sought to be conducted to highlight the good work done by the party and the reasons stated by the 4th respondent for rejecting the request to hold the public meeting was not at all sustainable. He would further submit that in the event of permission to hold the public meeting is granted, there will not be any law and order problem and the meeting will be conducted in an orderly manner and prays for appropriate relief.

5. Per contra, the learned Government Advocate appearing for the respondents on instructions would submit that in future any meetings or public functions conducted by any of the political party or organisation will be permitted only on the earmarked places and since the places which the petitioner sought permission to conduct the public meeting, do not fall within the specified places, his application was rightly rejected and prays for the dismissal of the writ petition.

6. This Court carefully considered the rival submissions and perused the materials placed before it.

7. Freedom of speech and expression is a Fundamental Right guaranteed under the Constitution of India and it is subject to reasonable restrictions. It is the specific stand of the 4th respondent that in Saidapet only two places were earmarked for

holding public meetings and six places were earmarked for holding street corner meetings and if the petitioner chooses any one of those two places, necessary permission will be granted subject to certain conditions.

8. In the light of the above facts and circumstances and taking into consideration the plea made by the 4th respondent that in the event permission being granted for conducting the meeting in other places, it may result in traffic hold-up and public will be put to inconvenience and the petitioner will be permitted to conduct the meeting at Karuneswarar Temple Street Theradi, Saidapet subject to certain conditions.

9. The writ petitioner prayed for issuance of a Writ of Mandamus to conduct the function on 03.07.2015 and after the filing of the writ petition, the order of rejection came to be passed by the 4th respondent. Though the petitioner prayer has not been amended, this Court in the facts and circumstances of the case, is of the view that the order dated 30.06.2015 has to be set aside and once again the petitioner is permitted to submit an application in the light of the observations made in the earlier paragraphs.

10. In the result, the writ petition is partly allowed and the order dated 30.06.2015 passed by the 4th respondent is set aside and the petitioner is permitted to submit an application seeking permission to hold the public meeting at Karuneswarar Temple Street Theradi, Saidapet by tomorrow (02.07.2015) to the 4th respondent and the 4th respondent on receipt of the same, is directed to consider the same and pass orders in the light of the observations made in this writ petition on the very same day itself and communicate the decision to the petitioner. The second respondent is also directed to publish in the website as to the places which are earmarked for holding public meeting / public functions and holding of street corner meeting forthwith so that in future the concerned applicants as well as the law and order agencies may not be put to any kind of difficulty. No costs.

kk

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Director General of Police,
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+ 1 cc to Mr.R.Vivekananthan, Advocate SR 32573

+ 1 cc to Govt. Pleader SR 32597

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