

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.23685 of 2015

Li.Venkatesh

.. Petitioner

Vs.

1.The Superintendent of Police,
O/o The Superintendent of Police,
Ooty, Nilgiris District.

2.The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Konnur Range, Nilgiris District.

3.The Inspector of Police,
Kotagiri Circle,
Kotagiri, Nilgiris District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the rejection order in Na.Ka.No.46/Va.Aa/2015 dated 27.07.2015 passed by the 3rd respondent, quash the same and direct the respondents to grant permission for conducting a Meeting in the name of "Dravidar Vizhippunarvu Vattara Manadu" at Market Thidal (Jeep Stand), Kotagiri on 02.08.2015. or any other subsequent date as fixed by this Court.

For Petitioner

.. Mr.S.Kumaradevan

For Respondents

.. Mr.A.Kumar,

Special Government Pleader

ORDER

A decision was made to conduct a Regional Conference to propagate the ideologies of Thanthai Periyar, pursuant to which, a representation was given by the petitioner to the third respondent seeking permission. The said request was rejected on 28.05.2015 by the third respondent on the ground that Section 30(2) of the Tamil Nadu Police Act is in force and if any permission is granted, it would lead to law and order problem. A further rejection was made by the second respondent on 31.05.2015 on the very same ground. However, in the order dated 31.05.2015, it has been stated that for the purpose of convening a public meeting, if a fresh application is

made, the same would be considered. Accordingly, the petitioner made a representation to the third respondent on 21.07.2015. The said request has also been rejected by the third respondent on 27.07.2015 without assigning any reason. Challenging the said order, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner submitted that what the petitioner seeks is a permission to conduct a Regional Conference. The said request was rejected without any basis. As it violates the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India, the same is liable to be set aside. The learned counsel also submitted that the petitioner is willing to conduct the meeting on 22.09.2015.

3. The learned Special Government Pleader appearing for the respondent based on instructions submitted that the earlier proposal was rejected on the ground that it was proposed to be held on Sunday in a crowded place, which is surrounded by market and schools. On the earlier occasion in the meeting conducted in Konoor Sub Division, the law and order situation has arose resulting in two cases being registered for the major offence under Sections 153 (A), 295(A), 324 and 506(ii) IPC. Thus no interference is required.

4. Section 30(2) of the Tamil Nadu Police Act merely regulates a meeting. Though it has not been stated in the order impugned and the instructions given, the same cannot be a ground to deny permission to the petitioner even assuming that is a reason. In the order impugned, there is no indication of alleged law and order problem. The earlier alleged occurrence took place at a different place. It is not known who were responsible for the same. What the petitioner wants to do is to have a Regional Conference. Freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India endures such an activity. Now, the petitioner does not seek for permission on Sunday. The permission can be granted after the school hours. Accordingly, the order impugned is set aside and the writ petition is allowed. Consequently, the respondents are directed to give appropriate permission to the petitioner to conduct the Regional Conference on 22.09.2015 subject to the conditions that may be imposed. The respondents can fix the time for the proposed conference. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

raa

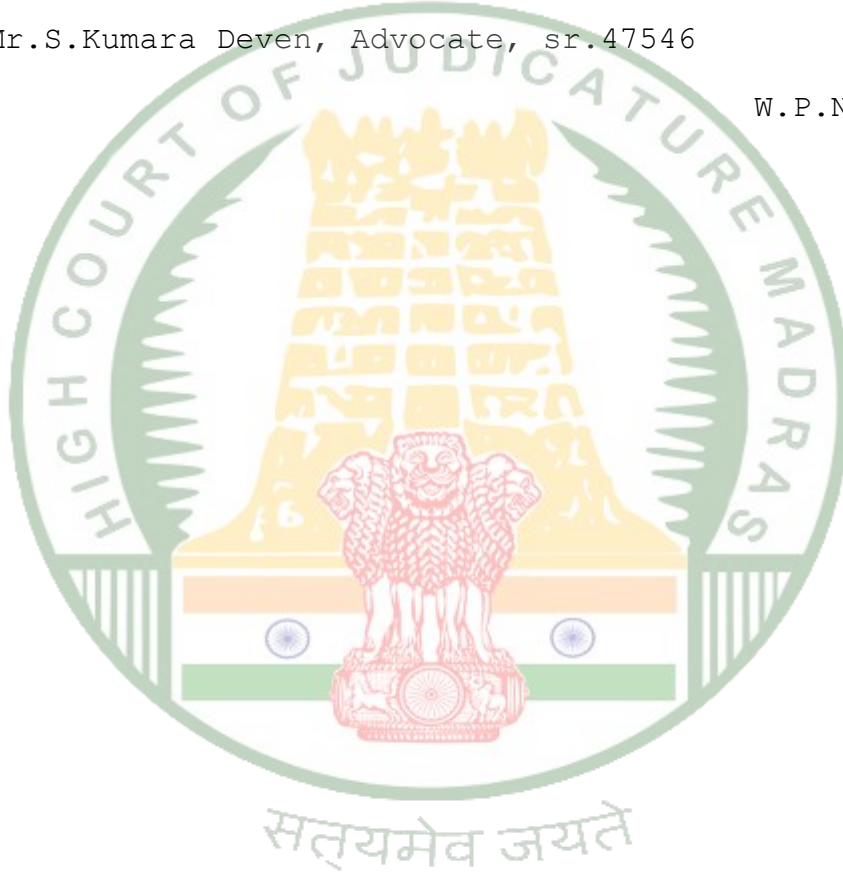
To

- 1.The Superintendent of Police,
O/o The Superintendent of Police,
Ooty, Nilgiris District.
- 2.The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Konnur Range, Nilgiris District.
- 3.The Inspector of Police,
Kotagiri Circle, Kotagiri, Nilgiris District.

+1 cc to Mr.S.Kumara Deven, Advocate, sr.47546

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