

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.27130 of 2015

All People Liberation Party
represented by its
Chairman of Nannilam Constituency,
Raja M/ 36 years,
S/o.Thangarasu,
having Office at
Main Road,
Mulamangalam,
Nannilam (Taluk),
Thiruvarur District.

... Petitioner

Vs.

The Inspector of Police,
Nannilam Police Station,
Nannilam,
Thiruvarur District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records of the Order dated 16.08.2015 passed by the respondent herein and quash the same and consequently direct the respondent to give permission for peaceful demonstration in front of Nannilam Bus Stand in any date which may be prescribed by this Court.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.A.Kumar, Spl.Govt.Pleader

ORDER

The petitioner made a request to the respondent seeking permission to have a protest against the police on the allegation that false cases are being foisted against one Senthil alias Mahalingam. The request made was rejected on the ground of existence of Section 30(2) of the Indian Police Act. Challenging the same, the present writ petition has been filed.

2. Section 30(2) of the Indian Police Act is only regulatory in nature. Therefore, basing reliance upon the same, the permission cannot be rejected. In other words, Section 30(2) does not play a complete embargo on the conduct of meeting. Therefore, the order impugned cannot be sustained. It appears that the order impugned has also passed though not stated as reasoned therein, since the protest is meant to be raised against the police.

3. On instructions given to the learned Special Government Pleader by the respondent, learned Special Government Pleader would submit that protest is being raised against the police in support of the said Senthil alias Mahalingam, who is facing three cases for the offence under Section 506 part (i) and part (ii) of IPC. Hence, the writ petition is liable to be dismissed.

4. The petitioner wants to show his protest by conducting meeting only for a day. Merely because it is meant to be raised against the police the same cannot be refused by quoting Section 30 (2) of the Indian police Act. It is well open to the respondent to impose condition including the time, place and the manner in which the meeting has to be conducted.

5. Accordingly, the order impugned is set aside with liberty to the petitioner to give a representation to the respondent for conducting a meeting in future. As and when such request is made, the respondent shall give permission subject to the conditions including the place, time and manner in which the meeting has to be conducted. It is made clear that the petitioner cannot insist that the meeting should be conducted in a place chosen by him, rather it is open to the respondent to consider the meeting at any place, which is not objectionable. The writ petition is ordered accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Inspector of Police,
Nannilam Police Station,
Nannilam,
Thiruvarur District.

+1 cc to Mr.K.Thenrajan Advocate sr.47307
+1 cc to Government Pleader sr.47670

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