

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WP.No.27644/2015

A.S.Kandasamy

: Petitioner

-Vs-

1.The Superintendent of Police
Erode, Erode District.

2.The Deputy Superintendent of Police
Erode Rural Sub Division,
Perundurai, Erode District.

3.The Inspector of Police
Chennimalai Police Station
Erode District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorarified mandamus calling for the records relating to the order in Na.Ka.No.42/Mike/SDO-ER/2015 dated 16.08.2015 passed by the 2nd respondent herein, quash the same and consequently direct the respondents to grant permission to do conduct the public meeting at Chennimalai Bus Stand, Erode District on 11.09.2015 based on the petitioner representation dated 25.08.2015.

For Petitioner : Mr.S.Vinothkumar

For RR 1 to 3 : Mr.A.Kumar, Spl.GP

O R D E R

By consent of the learned counsel for the parties, the main writ petition is taken up for final disposal.

2.The petitioner has made a request to the respondents to conduct a public meeting on 11.09.2015 to highlight the alleged corrupt practices of certain persons in public service. The request made by the petitioner was rejected on four grounds. The grounds are:-

[1]There is likelihood of law and order problem and the petitioner, instead of making complaint to the authorities concerned, has raised allegations against certain persons ;

[2]The place where the public meeting is sought to be conducted is a congested place leading to inconvenience to the general public ;

[3]The allegation cannot be made against private persons leading to breach of public peace ; and

[4]The existence of section 32 of the Tamil Nadu Police Act, in force.

3.Learned counsel for the petitioner would submit that what the petitioner seeks is to highlight the grievances against the persons holding public position. It is not meant against any individual persons ; but the performance of their roles. He would also submit that the petitioner is ready to conduct the public meeting in an unobjectionable place. The earlier writ petition filed by the petitioner was allowed and therefore, the objection regarding the maintainability of the writ petition having been filed on behalf of the Association, cannot be sustained.

4.Learned Special Government Pleader, based upon the counter affidavit, submitted that the writ petition is not maintainable in law and facts. The meeting will lead to defamation and there is likelihood of law and order problem, the proposed place is congested and section 32 of the Tamil Nadu Police Act is in existence.

5.Coming to section 32 of the Tamil Nadu Police Act, the same can utmost be regulatory and therefore, there is no absolute bar. Even in the case on hand, if the respondents are of the view that there is likelihood of law and order problem, then appropriate safeguards can be made. What the petitioner seeks is, a permission to show the protest. On the writ petition filed by the petitioner in the earlier occasion in WP.No.2167/2012, this Court, by the order dated 24.02.2012, was pleased to allow the said writ petition by making reliance on the Judgment of a Division Bench of this Court.

6.This Court asked the learned Special Government Pleader to get instructions from the respondent police, who are present before this Court today, about the alternative place. It is submitted that there are two places available, viz., Araichalur Road and Uthukuli Road. Learned counsel for the petitioner has got no objection for the same. Thus the objection regarding the traffic congestion cannot be sustained. For the alleged law and order problem, there is no material and in any case, it is something which the respondents can regulate. The respondents can also impose such of the conditions in the interests of the law and order problem. Merely because the meeting might involve the offence u/s.500 IPC, which can be made only on a private complaint the permission cannot be denied, that too, when it is the specific case of the petitioner that the object is to bring to the knowledge of the authorities as a general public about the alleged misdeeds in exercise of public duty.

7. Accordingly, the order impugned in this writ petition dated 16.08.2015 is set aside. Liberty is given to the petitioner to choose either of the two places mentioned above and the date for conducting the public meeting after 25.09.2015, i.e., after completion of Vinayagar Chathurthi festival and intimate the same to the respondents concerned. Thereafter, appropriate permission will have to be afforded to the petitioner to conduct the public meeting in either of the two places mentioned above. It is made clear that the respondents can impose such of the conditions as they think deem fit to maintain law and order including the timings and other aspects.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Asst. Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

1. The Superintendent of Police
Erode, Erode District.

2. The Deputy Superintendent of Police
Erode Rural Sub Division,
Perundurai, Erode District.

3. The Inspector of Police
Chennimalai Police Station
Erode District.

+1 cc to Mr. S. Vinoth Kumar, Advocate, sr.48784

+1 cc to Govt. Pleader, sr.48633

svi co
kra 14/09

WEB COPY

W.P.No.27644/2015