

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.28524 of 2015
and M.P.No.1 of 2015

C.Oviyar Anand

... Petitioner

Vs.

1. The State represented by
the Superintendent of Police,
Villupuram District,
Villupuram,
 2. The Deputy Superintendent of Police,
Kallakurichi Range,
Villupuram District,
 3. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi,
Villupuram District.
- ... Respondents

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 made in Che.Mu.A.No.50/Ka.U/2015 dated 25.8.2015 on the file of second respondent herein and quash the same as illegal and direct the respondents to permit the petitioner to hold meeting on 15.9.2015 or thereafter near Dr.Ambedkar Statue opposite Katcheri Salai, Kallakurichi, Villupuram District to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.S.Gomathinayagam, Addl. Advocate
General - III assisted by Mr.A.Kumar,
Spl.Govt. Pleader for RR.1 to 3

ORDER

The petitioner made a representation on 23.8.2015 seeking permission to conduct a meeting for the alleged atrocities committed against the downtrodden people. The request made by the petitioner was rejected by the order impugned on the ground that it would lead

to traffic congestion, law and order problem and apart from existence of Section 30(2) of the Police Act.

2. Learned counsel appearing for the petitioner submitted that the period mentioned under Section 30(2) of the Act is over and there is no basis for the law and order problem. The traffic congestion can also be regulated by fixing appropriate conditions.

3. Learned Additional Advocate General appearing for the respondents submitted that Section 30(2) of Police Act has been extended from time to time. When the request made by the petitioner is rejected on the aforesaid grounds no interference is required in the absence of any malafides on the part of the respondents.

4. What the petitioner seeks is to show his protest. The freedom of speech and expression guaranteed under Article 19 of the Constitution of India envisages certain right under the Constitution of India and Section 30(2) of the Police Act can at best be regulatory. In other words, the same cannot be construed to place a complete fetter on the right of the citizen to hold meeting. There is no material to hold that the permission, if granted, would lead to law and order problem and in any case the same can be regulated by the respondents. Though the petitioner cannot seek as a matter of right to have protest in a particular place, the reasons assigned in the impugned order cannot be sustained. Since the reasons assigned in the impugned order would continue to be there even for future request, this Court is inclined to quash the order impugned.

5. Accordingly, the order impugned is set aside and the petitioner is at liberty to give a fresh representation. As and when such representation is made by the petitioner, the 2nd respondent is directed to consider the same within a period of one week from the date of its receipt and give adequate permission to the petitioner. It is made clear that it is for the 2nd respondent to choose the place of venue and timing of the meeting. However, it is made clear that the permission should be given for the proposed meeting at Kallakurchi and not at some other place. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

-Sd/-
Assistant Registrar

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Sub Assistant Registrar

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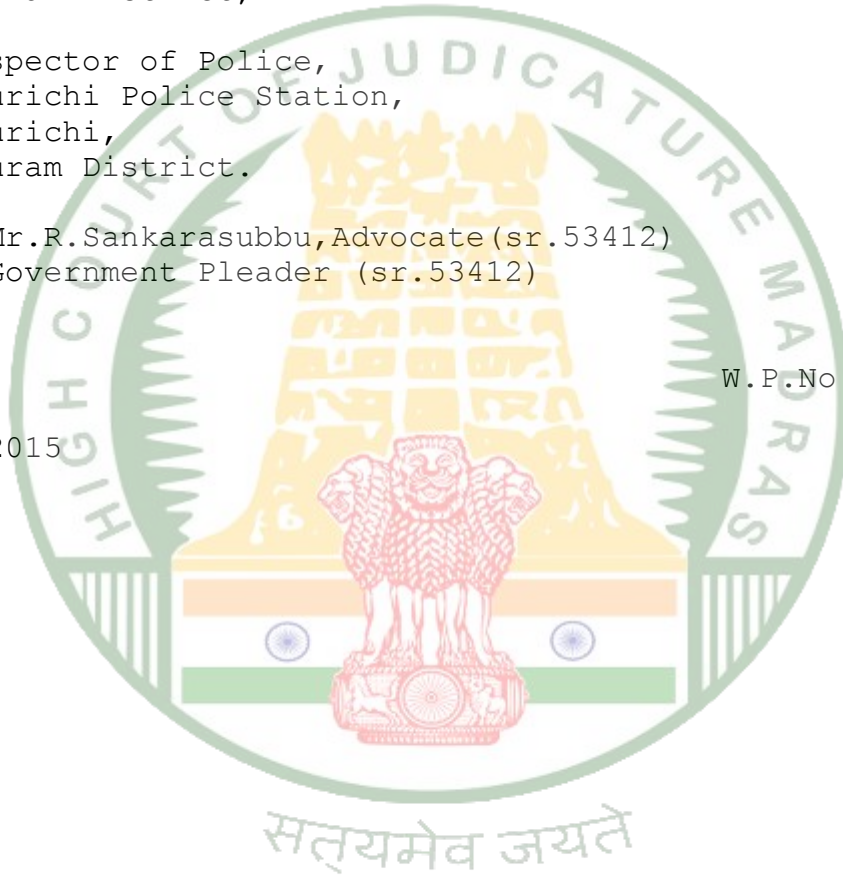
To

1. The Superintendent of Police,
Villupuram District,
Villupuram,
2. The Deputy Superintendent of Police,
Kallakurichi Range,
Villupuram District,
3. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi,
Villupuram District.

+1 cc to Mr.R.Sankarasubbu, Advocate (sr.53412)
+1 cc to Government Pleader (sr.53412)

VGI (co)
cp 09/10/2015

W.P.No.28524 of 2015



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