

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P. No. 36599 of 2015

Ismail.

...Petitioner

Vs.

The Inspector of Police,
Gudiyatham Town,
Gudiyatham, Vellore District.

...Respondent

PRAYER: This petition is filed under Article 226 of the Constitution of India praying to call for the records relating to the order passed by the respondent in its proceeding bearing Na.Ka.NBo. 16/Ka.Aa/Ku.Na/2015 dated 13.11.2015 and quash the same and consequently direct the respondent to permit the petitioner to conduct the public meeting in any approved place in Gudiyatham town on 20th Nov., 2015 or such other date as may be convenient to the respondent subject to any condition.

For Petitioner : Mr.A. Sirajudeen,

For Respondent : Mr.P.H.Aravind Pandian
Addl. Advocate General,
Assisted by Mr. V.Subbiah,
Special Government Pleader

ORDER

After hearing both the parties at length, this Court directed the learned Additional Advocate General to get instructions to find out the feasibility of conducting the meeting proposed by the petitioner with appropriate conditions that can be imposed by the respondent for conducting such meeting.

2. Accordingly, the learned Additional Advocate General furnished the instructions before this Court which is herein reiterated as follows;

'MAAVEERAN THEERAN TIPPU SULTAN BIRTH DAY
CELEBRATION PUBLIC MEETING - CONDITIONS

Date : 27.11.2015

Time : 19.00 hours to 22.00 hours

Place : Near Arabic College Gudiyatham to Chittor Road

Participants : As per the Notice

1. The contention of the speech shall be about the Historical life and Sacrifice of Tippu Sultan only.
2. Pamphlets containing wordings against any other religion, caste should not be distributed.
3. Speech shall not be against any religion and caste.
4. Speech shall not wound the individuals.
5. Speech shall not be made against the Government and policies of the Government.
6. If law and order problem arises, the petitioner has to stop the meeting immediately on the instructions of the police officials.
7. The participants in the meeting shall not exceed more than 200 persons.
8. Persons shall not carry hired vehicles in and around the Town.
9. Permission shall be obtained from the Electricity Board and other concerned authority.
10. Cultural programme is prohibited.
11. If the petitioner suspended the meeting on his personal ground, he should not claim another day to conduct the meeting.
12. Fire crackers shall not be permitted.
13. The meeting should be conducted without hindrance to the traffic and public order.
14. Procession is not allowed.
15. Box Type Speakers only allowed.
16. Banners, Flex Boards and Flags have to be installed with prior permission from the Police and concerned authority and after the end of the meeting the same should be removed within one hour.
17. If any unwanted incident happens during the meeting, the petitioner is liable for all losses caused to public and private property.'

3. The manner in which the meeting has to be conducted and regulated certainly lies within the jurisdiction of the respondent over which, the power to be exercised by this Court is very much limited. However, this Court appreciates on record the rethinking on the part of the authority concerned.

4. Thus, while appreciating the stand taken by the respondent as well as the efforts undertaken by the learned Additional Advocate General, the writ petition stands disposed of by directing the respondent to give appropriate permission to the petitioner for conducting the meeting, in accordance with law and on the conditions imposed in the letter dated 24.11.2015.

5. As the learned counsel for the petitioner submitted that it is very difficult to organise the meeting in a short span i.e. by 27.11.2015, the respondent is directed to consider the same and allow the petitioner to conduct the meeting either on 09.01.2016 or on 10.01.2016, which shall be informed by the respondent to the petitioner within a period of two weeks from the date of receipt of the copy of this order. Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rms

To

The Inspector of Police,
Gudiyatham Town,
Gudiyatham, Vellore District.

+1cc to M/s. A. Sirajudeen, Advocate, S.R.No.63986

+1cc to the Government Pleader, S.R.No.64192

PPA (CO)
EU(08/12/2015

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