

In the High Court of Judicature at Madras

Dated: 01.12.2015

Coram

The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.38019 of 2015

K.Balu

.. Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District,
Villupuram.

2. The Inspector of Police,
West Police Station,
Villupuram.

3. The Inspector of Police,
Taluk Police Station,
Villupuram.

.. Respondents

PRAYER: PETITION is filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the first respondent herein to pass necessary orders on the petitioner's representation dated 11.11.2015 and to grant permission to conduct the demonstration on 06.12.2015 at 11.00 a.m., near old bus stand.

For Petitioner : Mr.G.Karthikeyan

For Respondents : Mr.Aravind Pandian,
Additional Advocate General-V,
assisted by Mr.P.Sanjay Gandhi,
Addl. Government Pleader
for R1 to R3

ORDER

Seeking direction to pass necessary orders on the representation made on 11.11.2015 and to grant permission for the proposed demonstration on 06.12.2015 at 11.00 a.m., near old bus stand., the present writ petition has been filed.

2. When the matter is taken up for hearing, a counter affidavit has been filed on behalf of the third respondent, wherein it has been stated as follows:

"6. I submit that the petitioner seeks permission to conduct the demonstration near Old Bus Stand. Mosques are situated near by the Old bus stand. In the interest of public order, permission was granted to the petitioner last year, as

directed by this Hon'ble court, to conduct the demonstration near Villupuram railway junction. In the interest of public order, it is not possible to permit the petitioner to hold the demonstration near the Old Bus stand. Therefore, the petitioner may be allowed to hold the demonstration near Railway junction, as was done in the last year, provided that petitioner should abide by the following conditions stipulated by the police:-

1. Pamphlets containing wordings against any other religion, caste should not be distributed.
2. There shall not be any speech against any religion and caste.
3. There shall not be any speech wounding individual feelings/sentiments.
4. There shall not be any speech made against the Government and policies of the Government.
5. If law and order problem arises, the petitioner has to stop the demonstration immediately on the instructions of the police personnel.
6. The participants in the demonstration shall not exceed more than 200 persons.
7. Persons shall not carry hired vehicles in and around the Town.
8. Permission shall be obtained from the Electricity Board and other concerned authority.
9. Any Cultural Programme is prohibited.
10. If the petitioner suspends the demonstration on his personal grounds, he should not claim another day to conduct the same.
11. Fire crackers shall not be permitted.
12. The demonstration should be conducted without hindrance to the traffic and public order.
13. Procession is not allowed.
14. Box Type Speakers at the venue are only allowed.

15. Banners, Flex Boards and Flags have to be installed only with prior permission from the police and concerned authority and immediately after the demonstration the same should be removed within one hour.

16. If any unwanted incident happens during the demonstration, the petitioner shall be liable for the same.

17. Musical instruments shall not be permitted.

18. No one shall carry lathis, sticks, weapons and other materials which are dangerous to human body and life.

19. If necessary, fresh conditions will be issued according to the situations.

Therefore, it is prayed that this Hon'ble Court may be pleased to consider the above submissions and dismiss the writ petition as devoid of any merits and thus render justice."

3. In view of the same, the writ petition stands disposed of on the above said terms and also making it clear that the petitioner will have to comply with the terms stated above. It is also made clear that the proposed demonstration has to be taken place only in the proposed place and time as authorised by the respondents. No costs.
Raa

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Villupuram District, Villupuram.
2. The Inspector of Police,
West Police Station, Villupuram.

3. The Inspector of Police,
Taluk Police Station,
Villupuram.

+1 C.C. To MR.G.Karthikeyan, Advocate in SR.NO.65355

W.P.No.38019 of 2015

VS (CO)
sd : 07/12/2015



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