

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.12.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.39769 of 2015

David .. Petitioner

Vs.

- 1.The State rep. by
The Commissioner of Police,
Salem, Salem District.
 - 2.The Commissioner,
Salem Corporation,
Salem District.
 - 3.The State rep.by
The Inspector of Police,
Salem Town Police Station,
Salem District.
- .. Respondents

PRAYER : Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to grant permission to the petitioner's organisation for conducting conference and public meeting pursuant to the petitioner's representation dated 26.11.2015.

For Petitioner : Mr.R.Thirumoorthy
For Respondent Nos.1 & 3: Mr.V.Subbiah
Special Government Pleader
For Respondent No.2 : M/s.K.Bhuvaneswari

O R D E R
सत्यमेव जयते

Seeking a direction to the first respondent to grant permission for conducting conference and public meeting, the petitioner has come forward to file this Writ Petition.

2.A perusal of the typed set of papers filed by the petitioner would show that the second respondent has already given permission to use the said Bose ground belonging to the Salem Municipality for the meeting proposed to be held on 19.12.2015 by the proceedings dated 24.11.2015, of course with substantial conditions mentioned therein. Thereafter, the petitioner made a request to the third respondent for

consequential permission, which was rejected, after filing of the Writ Petition on the ground that the Tamil Nadu City Police Act, Section 41 is in force and would create ill-feelings among a section of the public leading to law and order problem.

3.Learned counsel appearing for the petitioner submitted that in the same place, permission has been granted to some other organisation. According to the petitioner, the second respondent having given them permission, the third respondent cannot reject the same on irrelevant grounds. Therefore, the Writ Petition will have to be allowed.

4.Learned Special Government Pleader appearing for the respondents 1 and 3, based upon the instruction obtained, submitted that the permission if granted beyond 6.00p.m. in the evening would create law and order problem. Therefore, no interference is required.

5.Learned counsel appearing for the second respondent submitted that the second respondent has given permission to conduct the meeting as seen from the proceedings dated 24.11.2015. Coming to application of Section 41 of Tamil Nadu City Police Act, the same adverse can be regulatory meaning thereby "even in the event of any problem appropriate conditions can be imposed." There is no material to come to the conclusion about the possible law and order problem especially when a decision was already taken by the second respondent and such a permission was already given to some other party.

6.However, this Court finds some merit in the apprehension expressed by the learned Special Government Pleader appearing for the respondents 1 and 3 leaving the meeting to go on beyond particular time through the usage of loudspeakers, might hurt the sentiments of the people against whom it was meant to be used. Therefore, it may not be advisable to give permission to go on that time or otherwise start the meeting at 10.00a.m. and finish before 8.00p.m.

7.Accordingly, the Writ Petition stands disposed of, by directing the respondents 1 and 3 to give appropriate permission to the petitioner to have the conference and public meeting as granted by the second respondent between 10.00a.m. and 8.00p.m. It is made clear while the petitioner's organisation is entitled to have its views, it shall not be taken to hurt the sentiments of others. It is well open to the respondents 1 and 3 to impose

such other conditions as they deem it fit. It is needless to state that the permission to be granted would also include usage of loudspeakers. No costs.

Sd/-
Assistant Registrar (CS-II)

True Copy

Sub Assistant Registrar

To

1. The Commissioner of Police,
Salem, Salem District.

2. The Commissioner,
Salem Corporation,
Salem District.

3. The State rep. by
The Inspector of Police,
Salem Town Police Station,
Salem District.

+1cc to The Government Pleader Sr.68519
+1cc to Mrs.K.Bhuvaneswari, Advocate sr.68429
+1cc to Mr.R.Thirumoorthy, Advocate sr.68430

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