

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8897 of 2015

And

M.P.Nos.1 and 2 of 2015

G.Prabhakaran

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.

2.The Government of Tamil Nadu
Rep by its Home Secretary,
Fort St.George, Chennai

3.The Inspector of Police,
S-8, Adambakkam Police Station
Chennai.88.

.... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent ending with SAL.No.16/S8 PS/2015 dated 24.03.2014 signed on 24.03.2015 and quash the same and consequently direct the respondents to grant permission to the petitioner to conduct kola potti and welfare distribution program on 29.03.2015 from 4 pm to 8 pm at Saraswathi Street and Palaru street, Bharath Nagar, Adambakkam Chennai as sought for by the petitioner vide application dated 23.03.2015.

For Petitioner : Mr.N.A.Nissar Ahmed
For Respondents : Ms.P.Rajalakshmi
Government Advocate

O R D E R

Heard Mr.N.A.Nissar Ahmed, learned counsel appearing for the petitioner and Ms.P.Rajalakshmi, learned Government Advocate appearing for the respondents. With the consent of both the parties, this writ petition is taken up for final disposal at the admission

stage itself.

2. Petitioner has filed this writ petition challenging the order passed by the third respondent dated 24.03.2015 and to quash the same and to direct the respondent to grant permission to the petitioner to conduct Kola Potti that is a competition where ladies will participate by drawing floral patterns on the floor using rice flour and also conducting a programme and a meeting and distribution of certain welfare measures at Saraswathi Street and Palaru Street, Bharath Nagar, Adambakkam, Chennai.

3. Petitioner's application in this regard dated 23.03.2015 was considered and the Inspector of Police, S-8, Adambakkam Police Station, Chennai initially granted permission subject to five conditions. Subsequently, it appears that there were certain objections and after certain discrete information that large number of persons are proposed to gather for the meeting, the revised order was passed on 24.03.2015 which has been challenged in this writ petition stating that the same is arbitrary, un-reasonable and discriminatory.

4. Learned counsel for the petitioner submitted that there can be no traffic congestion in the said street since the said street is a blind end and the programme organized by the petitioner and others is not a political programme. Further it is stated that similar programmes of other political parties are permitted to be conducted in adjacent streets.

5. Considering the submissions of the learned counsel for the petitioner as well as the learned Government Advocate, who produced information from the respondent police, this Court is of the view that no person has got a vested right to claim that he has to be granted permission to conduct function or certain activities in a public road. The permission sought for by the petitioner is precisely for conducting a programme in a public road. So far as the objection regarding the traffic view point and law and order problem, it is for the police authorities to take note of the same.

6. From the averments placed before this Court, this Court is not convinced that there is no discrimination or arbitrariness in the approach of the petitioner. However, with regard to the Kola Pottai, there cannot be any objection, since it can be conducted in the same street which appears to be a dead end and if the participants are also residents of the same locality, there can hardly be any problem. However, for the meeting which the petitioner and others proposes to organize, that would draw large number of people to the locality and it would not be conducive to have the meeting in a fully residential area which is known from the photographs produced by the respondents showing the street in question. Therefore, so far as the meeting is concerned, the same shall be permitted to be held in the near

vicinity in an un-objectionable place.

7.The learned Government Advocate submits that there is a Thidal, even hardly 1 Km., from the present location which the petitioner can utilise for holding the meeting.

8.In the light of the above, this writ petition is partly-allowed and the impugned order is quashed insofar as the rejection of permission of conducting Kola Potti and the rejection for conducting public meeting in the said place is confirmed. The petitioner is directed to select three places for conducting the meeting and for the programme of distribution of welfare measures to the third respondent by 3.00 p.m on 28.03.2015 and if such proposal is given to the third respondent, the third respondent shall consider and approve one of the proposal submitted by the petitioner before 06.00 p.m., on 28.03.2015.

9.The writ petition is partly-allowed with the above observations. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.
- 2.The Home Secretary,
The Government of Tamil Nadu
Fort St.George, Chennai
- 3.The Inspector of Police,
S-8, Admabakkam Police Station
Chennai.88.

1 cc to Government Pleader, Sr.No27131

2 cc to M/s.N.A.Nissar Ahamed ,Advocate, SR.No.17393

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