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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2015

Coram:

THE HONOURABLE Dr.JUSTICE S.TAMILVANAN
and

THE HONOURABLE Mr.JUSTICE V.S.RAVI
Writ Petition (MD)Nos.825 and 826 of 2015
and

M.P.(MD)No.1 & 1 of 2015 in W.P.(MD)Nos.825
and 826 of 2015 & MP(MD)No.1 & 1 of 2015

T.Nedunchezhan

... Petitioner in
WP(MD)No.825/2015

S.Rajappa

... Petitioner in
WP(MD)No.826/2015

vs.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Office,
Dindigul, Dindigul District.

...Respondents 1 & 2
in both the Wps

3.The Superintendent of Police,
Dindigul District, Dindigul.

...Respondent No.3 in
WP 825/2015 &
Respondent No.4 in
WP No.826/2015

4.The Commissioner of Corporation,
Dindigul,
Dindigul District.

...Respondent No.3
in WP No.826/2015

5.The Inspector of Police,
Taluk Police Station,
Dindigul.

... Respondent No.4
in WP No.825/2015

6.The Inspector of Police,
Town North Police Station,
Dindigul.

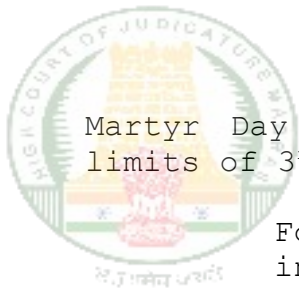
... Respondent No.5
in WP No.826/2015

W.P.(MD)No.825/2015:

Writ petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 1 to 4 to permit the petitioner to put-up flux boards in Mullipadi, Seelapadi and Balakrishnapuram Panchayats from 23.01.2015 to 25.01.2015 for the conduct of Martyr Day Memorial Public Meeting, scheduled on 25.01.2015, forthwith, as per the No Objection Certificate issued by the 4th respondent.

W.P.(MD)No.826/2015:

<https://hcservices.ecourt.gov.in/hcservices/> Writ petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 1 to 5 to permit the petitioner to put-up flux boards for the conduct of



Martyr Day Memorial Public Meeting scheduled on 25.01.2015 within the limits of 3rd respondent, forthwith.

For Petitioners : Mr.Veera Kathiravan
in both the WPs
For Respondents : Mr.K.Chellapandian,
in both the Wps Addl.Advocate General,

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COMMON ORDER

(Order of the Court was made by S.TAMILVANAN,J)

Heard Mr.Veera Kathiravan, learned counsel appearing for the petitioners as well as Mr.K.Chellapandian, learned Additional Advocate General, appearing for the respondents.

2.Writ Petition in W.P.(MD)No.825 of 2015 has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus directing the respondents 1 to 4 herein to permit the petitioner herein to put-up flux boards in Mullipadi, Seelapadi and Balakrishnapuram Panchayats from 23.01.2015 to 25.01.2015 for conducting Martyr Day Memorial Public Meeting, scheduled to be held on 25.01.2015, as per the No Objection Certificate issued by the 4th respondent.

3.The Writ Petition in W.P.(MD)No.826 of 2015 has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus directing the respondents 1 to 5 herein to permit the petitioner to put-up flux boards for the Martyr Day Memorial Public Meeting scheduled to be held on 25.01.2015 within the limits of the 3rd respondent Corporation.

4.Mr.Veera Kathiravan, learned counsel appearing for the petitioners, drew the attention of this Court to the No Objection Certificate issued by the 4th respondent in W.P.(MD)No.825 of 2015 to have 23 flux boards, which is available at Page Nos.5 and 6 of the typed-set, subject to certain reasonable conditions. He also drew the attention of this Court towards the receipts obtained from Mullipadi, Seelapadi and Balakrishnapuram Panchayats for payment being made towards having flux boards at 23 places and also to the No Objection Certificates issued by the President/Executive Officers of those Panchayats. In respect of W.P.(MD)No.826 of 2015, the learned counsel drew the attention of this Court to the No Objection Certificate issued by the 5th respondent, namely the Inspector of Police, Town North Police Station, Dindigul. However, according to the learned counsel appearing for the petitioners, due to political reasons, permission was not granted by the Revenue Divisional Officer, Dindigul, the second respondent herein.

5.Per contra, Mr.K.Chellapandian, learned Additional Advocate General, submitted that earlier permission was granted for the period between 03.01.2015 and 07.01.2015, for five days, for having flux Boards and copy of the proceedings of the Revenue Divisional Officer is also available at Page No.1 of the typed-set of papers, however considering the law and order situation, permission was not granted to the petitioners by the second respondent. It is not disputed by the learned Additional Advocate General that both the Ruling Party as well as the Opposition party are celebrating Martyr Day, almost every year, as Dravidian Parties.

6.Mr.Veera Kathiravan, learned counsel for the petitioners, would submit that only due to political reason permission is not granted. The said allegation was not accepted by the learned Additional Advocate General stating that there is no political reason for not granting



permission. According to him, only considering law and order problem, permission was not granted by the Revenue Divisional Officer and even the permission given by the Inspector of Police was withdrawn. However, it is seen that there is no supporting document available or reasons stated by the respondents for withdrawing the permission already granted.

7. It is not in dispute that earlier similar permissions were granted. As contended by the learned counsel for the petitioners, not disputed by the learned Additional Advocate General, conducting public meeting either on Martyr Day or otherwise, without detrimental to public interest, is a democratic right of any political party. Accordingly, the petitioners were permitted to conduct function by having flux boards without detrimental to the interest of the public, subject to the conditions stipulated by the Inspector of Police and the concerned local authorities, which are available at Page No.6 of the typed-set attached to W.P.(MD)No.825 of 2015 and at Page No.6 of the typed set attached to W.P.(MD)No.826 of 2015. It is also made clear and assured by the learned counsel for the petitioners that the activities of the petitioners and their partymen would not affect public peace and certainly not against maintenance of law and order. If there are similar petitions by any other political party(s), the same may also be considered by the authorities for granting permission. subject to reasonable restrictions.

8. With the above observation, both the writ petitions are ordered. The 2nd respondent, namely the Revenue Divisional Officer, Dindigul, is directed to pass appropriate orders, permitting the petitioners to have flux boards, by imposing reasonable conditions, as that was granted earlier in favour of the petitioners, by tomorrow, 23.01.2015, since the function is scheduled to be held on 25.01.2015. The location of flux boards to be fixed may also be reasonably be decided by the 2nd respondent, subject to any other reasonable conditions and suitable orders be passed. The writ petitions are ordered accordingly. No order as to costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Dindigul District.
2. The Revenue Divisional Office, Dindigul, Dindigul District.
3. The Superintendent of Police, Dindigul District, Dindigul.
4. The Commissioner of Corporation, Dindigul, Dindigul District.
5. The Inspector of Police, Taluk Police Station, Dindigul.
6. The Inspector of Police, Town North Police Station, Dindigul.

+2cc to Mr. Veera Kathiravan, Advocate in SR.3032

+1cc to the Special Government Pleader in SR.3031

WP (MD) Nos.825 & 826 of 2015

& MP (MD) No.1 of 2015

in WP (MD) Nos.825 & 826 of 2015

Dated: 22.01.2015

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