

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

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THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.103 & 717 of 2016
&
W.M.P.Nos.47, 529 and 530 of 2016

W.P.No.103 of 2016 :

R.N.Durai

... Petitioner

-Vs-

1. The Inspector of Police (L & O),
E-2 Police Station,
Royapettah, Chennai 600 014.
2. The Commissioner of Police,
Greater Chennai, Egmore, Chennai 600 007.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus directing the first respondents to consider the application of the petitioner dated 20.12.2015 and consequently to grant permission to the petitioner to hold a public meeting in lieu of Pongal Festival 2015 by erecting a stage and disturbing materials and sports kits on 14.01.2016 at the junction between Lloyds Road and Venkatachala Mudaliar Street (V.M.Street), Royapettah, Chennai 600 014.

For Petitioner : Mr.P.Wilson,
SC for M/s.P.Wilson Associates

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

W.P.No.717 of 2016 :

Tamilarasu

... Petitioner

-Vs-

1. The State rep. by
The Inspector of Police,
E-2, Royapettah Police Station,
Chennai.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records sequel to the impugned order passed by the respondent dated 04.01.2016 and to quash the same and consequently direct the respondent to grant permission to conduct Pongal festival program on 13.01.2016 at about 6 p.m. in V.M.Street at Royapet pursuant to the petitioner's representation dated 26.12.2015.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.P.Sanjay Gandhi,
Additional Government Pleader

COMMON ORDER

As the issue involved in both these writ petitions is identical, they have been taken up together for hearing and disposed of by a common order.

2.In W.P.No.103 of 2016, the petitioner seeks issuance of a writ of mandamus directing the first respondent to grant appropriate permission for conducting the public meeting in lieu of Pongal festival proposed to be held on 14.01.2016. In W.P.No.717 of 2016, the petitioner has challenged the order of the respondent dated 04.01.2016 in and by which the permission to conduct the meeting was rejected by placing reliance upon the order passed on 12.06.2015 in W.P.No.16772 of 2015.

3. Mr.P.Wilson learned Senior Counsel appearing for the petitioner in W.P.No.103 of 2016 would submit that the alleged function had been conducted in the same place for number of years and that the petitioner is not going to have the function for the entire day. The function has been arranged only as a celebration for Pongal festival, therefore, prays for issuance of appropriate orders.

4. Mr.R.Thirumoorthy, learned counsel appearing for the petitioner in W.P.No.717 of 2016 would submit that even in the last year permission was granted by this Court in M.P.No.2 of 2014 in W.P.No.1226 of 2014 to conduct the function in the very same place and the order impugned does not indicate any reason, except by merely quoting the order passed by this court.

5. Learned Additional Government Pleader appearing for the respondents would submit that the area is a highly congested place and therefore, there is likelihood of inconvenience that will be caused to the general public and there are two temples nearby and on account of Pongal, people will gather in large numbers in the temples. There is every chance of traffic congestion and hence, oppose to grant permission for conducting the meeting.

6. It is not in dispute that the petitioner in W.P.No.103 of 2015 has been permitted to have the meeting in all the previous years. Similarly, the petitioner in W.P.No.717 of 2016 was also permitted in pursuant to the order of this Court in W.P.No.1226 of 2014 dated 10.01.2014. In so far as the order dated 12.06.2015 in W.P.No.1677 of 2015, the said order merely states about the place of the meeting. In other words, that order cannot be termed as one prohibiting the public meeting in the proposed place. The petitioner in both the writ petitions want to have the meetings only for a specific number of hours. The traffic congestion can always be regulated. The object is celebration of Pongal festival. It is to be noted that despite the existence of the temples the earlier permissions have been granted over the years.

7. Accordingly, both these writ petitions stand allowed and consequently, the respondent concerned is directed to grant permission to the petitioners for the conducting of Pongal festival meeting for three hours starting from 6.00p.m. on 13.01.2016 & 14.01.2016 respectively, however, subject to the other conditions that can be imposed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police (L & O),
E-2 Police Station,
Royapettah, Chennai 600 014.
2. The Commissioner of Police,
Greater Chennai,
Egmore, Chennai 600 007.

+1cc to M/s.P.Wilson Associates, Advocate, S.R.No.1557

+ 1 cc to R.Thirumoorthy, Advocate Sr 1895 (12/1/16)

W.P.Nos.103 & 717 of 2016
& connected M.Ps.

CNR(CO)
CA(11/01/2016)



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