

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29-01-2016

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P.No.1596 of 2016

Ismail

.. Petitioner

Vs.

The Inspector of Police
Gudiatham Town Police Station
Gudiatham
Vellore District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to grant permission to the petitioner to hold public meeting on 08-02-2016 at Chittur Gate or Aliyar Street, Gudiyatham Town, Vellore District to secure the ends of justice.

For petitioner :: Mr. R. Sankarasubbu

For respondent :: Mr. P.H. Aravind Pandian, AAG
Asst. by Mr. P. Sanjay Gandhi, AGP

ORDER

This writ petition has been filed by the petitioner seeking direction to the respondents to hold public meeting on 08-02-2016 at Chittur Gate or Aliyar Street, Gudiyatham Town, Vellore District.

2. This is the second round of litigation. After hearing the parties, this Court has passed the order in W.P.No.36599 of 2015 datd 25-11-2015 which is extracted hereunder:

"After hearing both the parties at length, this Court directed the learned Additional Advocate General to get instructions to find out the feasibility of conducting the meeting proposed by the petitioner with appropriate conditions that can be imposed by the respondent for conducting such meeting.

2. Accordingly, the learned Additional Advocate General furnished the instructions before this Court which is herein reiterated as follows;

'MAAVEERAN THEERAN TIPPU SULTAN BIRTH DAY CELEBRATION PUBLIC MEETING - CONDITIONS

Date : 27.11.2015

Time : 19.00 hours to 22.00 hours

Place : Near Arabic College Gudiyatham to Chittor Road

Participants : As per the Notice

1. The contention of the speech shall be about the Historical life and Sacrifice of Tippu Sultan only.

2. Pamphlets containing wordings against any other religion, caste should not be distributed.

3. Speech shall not be against any religion and caste.

4. Speech shall not wound the individuals.

5. Speech shall not be made against the Government and policies of the Government.

6. If law and order problem arises, the petitioner has to stop the meeting immediately on the instructions of the police officials.

7. The participants in the meeting shall not exceed more than 200 persons.

8. Persons shall not carry hired vehicles in and around the Town.

9. Permission shall be obtained from the Electricity Board and other concerned authority.

10. Cultural programme is prohibited.

11. If the petitioner suspended the meeting on his personal ground, he should not claim another day to conduct the meeting.

12. Fire crackers shall not be permitted.

13. The meeting should be conducted without hindrance to the traffic and public order.

14. Procession is not allowed.

15. Box Type Speakers only allowed.

16. Banners, Flex Boards and Flags have to be installed with prior permission from the Police and concerned authority and after the end of the meeting the same should be removed within one hour.

17. If any unwanted incident happens during the meeting, the petitioner is liable for all losses caused to public and private property.''

3. The manner in which the meeting has to be conducted and regulated certainly lies within the jurisdiction of the respondent over which, the power to be exercised by this Court is very much limited. However, this Court appreciates on record the rethinking on the part of the authority concerned.

4. Thus, while appreciating the stand taken by the respondent as well as the efforts undertaken by the learned Additional Advocate General, the writ petition stands disposed of by directing the respondent to give appropriate permission to the petitioner for conducting the meeting, in accordance with law and on the conditions imposed in the letter dated 24.11.2015.

5. As the learned counsel for the petitioner submitted that it is very difficult to organise the meeting in a short span i.e. by 27.11.2015, the respondent is directed to consider the same and allow the petitioner to conduct the meeting either on 09.01.2016 or on 10.01.2016, which shall be informed by the respondent to the petitioner within a period of two weeks from the date of receipt of the copy of this order. Accordingly, the writ petition is disposed of. No costs."

3. The present writ petition has been filed by the very same petitioner on the ground that on the date specified in the earlier order, the meeting could not be concluded.

4. The learned counsel appearing for the petitioner submitted that the petitioner also requires a change of place.

5. The learned Additional Advocate General though initially, on instructions, opposed the very prayer sought for, submitted that in view of the earlier order passed, the respondent cannot object the very same order being passed, though for a different date. In fact, the matter was adjourned today so as to enable the learned Additional Advocate General to

get instructions. Therefore, on instructions, the aforesaid statement has been made.

6. Considering the above, the request as sought for by the petitioner cannot be granted. This is for the reason that even on the earlier occasion, the place mentioned in the earlier order has been fixed specifically after hearing the parties and after the learned counsel for the petitioner, on instructions, acceded to hold the Meeting at the said place. Therefore, this Court is not inclined to review the order, though in a different form. Further, mere choosing the place is the discretion of the respondent and not on the part of the petitioner.

7. Accordingly, the writ petition is disposed of by directing the respondent to grant permission to the petitioner to hold the public meeting on the very same place for which permission was granted by the Court earlier. No costs.

glp

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The Inspector of Police
Gudiatham Town Police Station
Gudiatham Vellore District.

+ 1 cc to Mr.R.Sankarasubbu, Advocate SR 5586

+ 1 cc to Govt.Pleader SR 5883

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