

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2016

CORAM:

THE HON 'BLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.21180 of 2016
and W.M.P.No.18107 of 2016

V.Venkatesan

... Petitioner

Versus

The Deputy Superintendent of Police,
Department of Police,
Virudhachalam Division,
Cuddalore District

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records pertaining to the order Na.Ka.22/Kaa.Thu.Ka/Viru/2016, dated 07.06.2016 passed by the respondent, quash the same to the extent of denying permission to conduct rally and direct the respondent to permit the petitioner to conduct the Education Awareness Rally on 25.06.2016 at 05.30 pm.

For Petitioner : Mr. S.Kumaradevan, assisted by,
Ms. V.Porkodi
For Respondent : Mr. R.Vijayakumar, AGP.,

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to be the President of an Association, namely, "Parents Union for Students' Educational Rights". The said association consists of parents of children studying in Government and Private Schools in Virudhachalam District of Tamil Nadu. The association also projected several issues connected to the excess fee collection done by private schools than the fees fixed by the Fee Fixation Committee and other related issues. The petitioner would state that on an earlier occasion, to highlight the said issue, the petitioner Association wanted to conduct a public meeting with the procession and it was rejected and the said order was put to challenge in W.P.No.14249 of 2014 and it was ordered subject to some conditions.

3. The grievance expressed by the petitioner is that, it submitted an application, through its President, on 06.06.2016, for conducting a public meeting on 25.06.2016 at 05.30 pm, preceded by a procession for the purpose of raising awareness with regard to the privatization of education and the respondent, though has granted permission to conduct the meeting at 05.30 pm on 25.06.2016, has rejected the request for conducting procession and aggrieved over the same, the petitioner came forward to file this writ petition.

4. Mr. S.Kumaradevan, learned counsel appearing for the petitioner, would submit that the petitioner would conduct the procession in a peaceful and orderly manner and will not raise any slogans offending the sentiments of a particular group or religion and whatever reasonable conditions the respondent wanted to impose, the same can be imposed for the purpose of conducting procession in a peaceful manner and prays for appropriate orders.

5. Per contra, Mr. R.Vijayakumar, learned Additional Government Pleader appearing on behalf of the respondent, on instructions, would submit that since law and order problem is being apprehended, in the event of the petitioner organizing and conducting procession, the request of the petitioner, in that regard, came to be rightly rejected and prays for dismissal of this writ petition.

6. This Court has carefully considered the rival submissions made by the learned counsel for both sides and perused the materials available record.

7. A single Bench of this Court, in a decision reported in (2015) 4 MLJ 53 (Dravidar Kazhagam v. Secretary to Government, Home Department), after considering the scope of prohibitory order, viz-a-viz., conducting of a public meeting in the light of the provisions of The Madras City Police Act, 1888 and Articles 19 (1) (a) and (b) and 14 of the Constitution of India, has granted permission to the organization to conduct procession peacefully and further directed the respondent-Police to give adequate police protection, as guaranteed under Article 19 (1) (a) and (b) of the Constitution of India.

8. In the light of the above facts and circumstances, this Court is of the view that the impugned order, dated 07.06.2016, passed by the respondent warrants interference. Accordingly, the writ petition is allowed and the impugned order of the respondent, dated 07.06.2016, is set-aside and the respondent is directed to grant permission to the petitioner to conduct /

organize the procession subject to the imposition of reasonable condition(s) and shall make sure that the procession as well as the meeting proceed in a peaceful and orderly manner. The petitioner organization shall also take necessary steps to organize the procession as well as the meeting in an orderly manner and shall not utter or do anything, which affects the law and order and public order. No costs. Consequently, the connected WMP is closed.

srk

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

The Deputy Superintendent of Police,
Department of Police,
Virudhachalam Division,
Cuddalore District

+ 2 ccs to Mrs.V.Porkodi, Advocate SR 35000

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