

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016
CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27588 of 2016
And
W.M.P.No.23769 of 2016

C.Kumaran

... Petitioner

Vs.

The Inspector of Police,
E-2, Royapettah Police Station,
Chennai 600 014.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of rejection dated 03.08.2016 on the file of the respondent quash the same and direct the respondent to permit the petitioner to hold Public Meeting (Mupperum Vizha) on 14.08.2016 at V.M.Street, Lloyds Road Lane, Royapettah, Chennai 600 014.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

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

2.The petitioner would state that he is the District Secretary of 'Thanthai Periyar Dravidar Kazhagam' and to propagate the ideologies of Thanthai Periyar in Tamil Nadu, more particularly, in the city of Chennai so that youngsters do know about the life history of Periyar, Dr.Ambedkar and Pavendar Bharathidasan, wants to celebrate the birthday of Dr.Ambedkar, Bharathidasan in the name of "Mupperum Vizha" and therefore, submitted an application dated 01.08.2016, to the respondent praying for necessary permission to conduct the said function at 6.00 p.m. on 14.08.2016, in the junction of Lloyds Road and V.M.Street, Royapettah, Chennai 600 014 and also indicated the

participation of some important functionaries and however, the respondent un-justifiably objected the same, by the impugned order dated 03.08.2016, on account of the order dated 12.06.2015, made in W.P.No.16772 of 2015 and challenging the legality of the said order, came forward to file this writ petition.

3.Mr.S.Doraisamy, learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 08.01.2016, made in W.P.Nos.103 and 717 of 2016 and would submit that the order dated 12.06.2015, made in W.P.No.16772 of 2015 was also referred to and permission was granted to one Mr.R.N.Durai and Mr.Tamilarasu to conduct the function in the very same place, subject to other conditions, that can be imposed and in the light of the said order, there cannot be any impediment on the part of the second respondent to grant permission to the petitioner to conduct the function.

4.The learned counsel appearing for the petitioner on instructions, would further submit that while conducting the function, care and caution will be taken and it will be seen to, that no speech will be made affecting the sentiments of people belonging to any religion and the function will be conducted strictly in accordance with law.

5.Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader who accepts notice on behalf of the respondent, would strongly oppose the request made by the petitioner and would submit that in the order dated 12.06.2015, made in W.P.No.16772 of 2015, the petitioner himself is the party to the said order and would further submit that in the event of the function is going to be held, there is likelihood of traffic hold up and there may be difficulty for granting bundobust to the function, in the light of the ensuing Independence Day celebrations to be held on 15.08.2016 and prays for dismissal of the writ petition.

6.This Court has carefully considered the rival submissions.

7.The conducting of a public meeting, is a fundamental right guaranteed to a citizen and it is the specific case of the petitioner that in the very same place, this Court, vide order dated 08.01.2016, made in W.P.Nos.103 and 717 of 2016 had granted permission. It is also pointed out that the order dated 12.06.2015, made in W.P.No.16772 of 2015 was also taken into consideration and permission was accorded to hold meeting in that place subject to conditions.

8.Therefore, in the light of the above said order, there

cannot be any impediment on the part of the respondent to accord permission to the petitioner to conduct the function namely, "Mupperum Vizha".

9. Accordingly, this writ petition is allowed and the impugned order of the respondent dated 03.08.2016, is set aside and permission is directed to be granted to the petitioner to conduct "Mupperum Vizha" between 6.00 p.m. and 10.00 p.m. on 14.08.2016, subject to reasonable conditions, in accordance with law. It is also made clear that the sound limit of the musical event to be conducted in connection with the said function shall not exceed 110 decibels and the speakers who are participating in the function shall not make any utterances or speech which affect the sentiments of people belonging to any religion or community or section. It is also made clear that in the event of violation of any conditions, the petitioner being the organizer, shall be held responsible and it is also open to the respondent to take suitable action in accordance with law in the event of infraction of law and order and public order. No costs. Consequently, the connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Inspector of Police,
E-2, Royapettah Police Station,
Chennai 600 014.

+1 cc to M/s.S.Doraisamy Advocate sr.45106
+1 cc to Government Pleader High Court Madras
sr 45242

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