

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4257 of 2016

D.Magesh
Dravidar Viduthalai Kazhagam
represented by its District Secretary
Nagapattinam ... Petitioner
vs.

- 1.The State rep. by
the Superintendent of Police,
Nagapattinam
Nagapattinam District.
- 2.The State rep. by
the Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District. ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to grant permission to conduct a public meeting against the separate burial ground for Dalits and constitute electrical burial ground for all the villages and towns in throughout Tamil Nadu, appeal the Government to prevent the atrocities committed on downtrodden dalits and protect their dignified life, livelihood at the venue of china kadai veethi, Mayiladuthurai on 06.02.2016 pursuant to the petitioner's representation dated 23.01.2016.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to grant permission to conduct a public meeting against the separate burial ground for Dalits and constitute electrical burial ground for all the villages and towns in throughout Tamil Nadu and to appeal the Government to prevent the atrocities committed on downtrodden Dalits and protect their dignified life, livelihood at the venue of China Kadai Veethi, Mayiladuthurai on

06.02.2016, pursuant to the petitioner's representation dated 23.01.2016.

2.The case of the petitioner is that the petitioner is the District Secretary of Dravidar Viduthalai Kazhagam in Nagapattinam, which has been functioning for the past several years to eradicate the communalism and to bring the social harmony to the Society. The petitioner and other affiliate members of the said Organisation are working for the welfare of the Society and tendering service to oppressed and depressed people in the Society. They are also working to curtail superstitious practices, which are misused to exploit the people or cause them financial or physical harm.

3.It is the further case of the petitioner that their organisation has been fighting for the vulnerable sections of the Society, particularly, they have been continuously and consecutively propagating Thanthai Periyar principles and ideals to the public. They are very much concerned with the eradication of blind faith, a radiant rationalism and an articulate man of incessant faith in human values. They also launched a war against caste system and untouchability at the hands of communal extremists and self styled community leader.

4.The petitioner further averred in the affidavit that recently in the name of faith, a section of people are being targeted, attacked and burnt alive by communal extremists because they have been using public path way. A month before, a group of dominant class prevented Dalits to carry out their dead body in a public passage at Thirunalkondacheri near Mayiladuthurai in Nagapattinam District, the usage of which is entirely depending on the Constitutional right and nobody can question it and claim the same. In a democratic country, every one can walk in public passage, utilize the common pathway and public road as per law. Therefore, the petitioner organisation has planned to conduct demonstration against separate burial ground for Dalits and to appeal to the Government to prevent the atrocities committed on downtrodden Dalits and to protect their dignified life and their livelihood at the venue of Chinna Kadai Veethi, Mayiladuthurai on 06.02.2016. In this regard, the petitioner made a representation dated 23.01.2016 to the second respondent requesting permission for the same. Since no reply was received from the second respondent, the petitioner made another representation dated 01.02.2016 to the first respondent and the same was also not responded so far. Hence, the petitioner has filed the present writ petition for the above stated relief.

5.When the matter came up for consideration, Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who took notice for the respondents, on instructions, submitted that

the petitioner may be permitted to conduct a public meeting at Mayiladuthurai Town, State Bank Road, Opposite to Vijaya Bank and not at the place for which, the petitioner is seeking permission.

6.Learned counsel for the petitioner accepts the said place to conduct the public meeting by the petitioner. It is also submitted that the petitioner and other members of the organisation are ready and willing to co-operate with the Police in conducting the meeting in peaceful manner.

7.Considering the submissions made on either side, I am of the opinion that the petitioner could be permitted to conduct the public meeting, however with certain conditions. Accordingly, this Court directs the respondents to grant permission to the petitioner to conduct the public meeting on 06.02.2016 from 06.00 to 10.00 pm at Mayiladuthurai Town, State Bank Road, Opposite to Vijaya Bank by imposing the following conditions:

- (i)the meeting shall be conducted without causing any hindrance to general public;
- (ii)procession should move quietly and peacefully;
- (iii)no words, actions, expressions shall be made by the petitioners and others affecting the sentiments of others;
- (iv)the meeting shall not be conducted after 10.00 pm.

Apart from the above conditions, the respondents-Police are also at liberty to impose any other necessary condition as they deem it fit and proper.

8.With the above terms, the writ petition is disposed of. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To
1.The Superintendent of Police,
Nagapattinam
Nagapattinam District.

2.The State rep. by
the Inspector of Police,
Mayiladuthurai Police Station,
Nagapattinam District.

+1cc to Mr.R,Thrumoorthy, Advocate, S.R.No.7342
+1cc to the Government Pleader, S.R.No.7495

W.P.No.4257 of 2016

nm(CO)
srg(05/02/2016)



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