

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5610 of 2016
and
W.M.P.No.4968 of 2016

J. Aslam Basha.
Chairman,
Tamilnadu Congress Committee
Minority Department,
No.40, Sathyamoorthy Bhavan,
Thiru Vi.Ka. Salai
Chennai 600 002. Petitioner

Vs.

1. The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi 635 751.
Vellore District.
2. The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi,
Vellore District. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to grant permission for conducting the Public Meeting by Tamilnadu Congress Committee Minority Department scheduled to be held on 21.2.2016 at 4 p.m., at Weekly Market Ground, Vaniyambadi, Vellore District.

For Petitioner : Mr.S.Ganesh

For Respondents : Mr.D.Suriyanarayanan (R1)
: Mr.P.Sanjaygandhi,
Addl. Govt. Pleader (R2)

O R D E R

The Petitioner has come forward with this Writ Petition seeking for issuance of Mandamus upon the 1st respondent to grant permission for conducting the Public Meeting by Tamilnadu Congress Committee Minority Department scheduled to be held on

21.2.2016 at 4 p.m., at Weekly Market Ground, Vaniyambadi, Vellore District.

2. According to the petitioner, he is the Chairman of Tamilnadu Congress Committee Minority Department which was established for the purpose of carrying out the acts for the Minority Welfare which includes various minority religions in the State of Tamilnadu.

3. The above Committee has decided to convene a public meeting in order to highlight the Minorities rights and to create awareness on 21.2.2016 at Weekly Market Ground, Vaniyambadi and the above said Weekly Market Ground belongs to the first respondent Municipality. So, on 11.1.2016, the petitioner applied before the 1st respondent for grant of permission for conducting public meeting and on the very same day, the petitioner has also applied before the 2nd respondent seeking permission to conduct public meeting. After two days, the petitioner was directed orally to produce the permission granted by the 2nd respondent police, so as to enable them to grant permission on that basis. After considering the application of the petitioner, the 2nd respondent has granted permission vide his communication dated 7.2.2016 stipulating certain conditions to be followed at the time of convening public meeting. Thereafter the petitioner approached the 1st respondent on several occasions and as the first respondent did not respond to the application, the petitioner went to the office of the first respondent on 9.2.2016 to know about the stage of the application when enquired, the first respondent has stated that the application submitted by the petitioner on 11.2.2016 was missing and hence he was directed to submit a fresh copy of the same along with permission. Accordingly, the petitioner submitted a fresh application before the 1st respondent and he was orally directed to pay a sum of Rs.1000/- and the same was immediately paid by the petitioner and acknowledging the same, a due receipt was given by 1st respondent Municipality on 11.2.2016 in Receipt No.1504488.

4. In the meantime, the petitioner made wide publicity for the proposed meeting scheduled to be held on 21.2.2016 through Wall Posters and pamphlets and he has also applied for fixing the flex banner at various places of Vaniyambadi between 16.2.2016 to 21.2.2016 before the 2nd respondent. The 2nd respondent vide its communication dated 2.2.2016 issued No Objection Certificate. The Highways Department also has granted No Objection Certificate on 2.2.2016. After getting No Objection certificate from the above authorities, the petitioner has paid a sum of Rs.2,400/- on 3.2.2016 to the first respondent towards fixing of Flex Board. The Sub Collector also issued a similar No Objection Certificate for fixing the Flex Banner on 9.2.2016.

5. When the petitioner is anticipating for the permission for conducting the public meeting, the 1st respondent on 12.2.2016 served a notice dated 11.2.2016 stating that the subject issue has been placed before council and after obtaining permission from the council, permission will be granted for conducting the public meeting. But it is not known when will the council will meet for granting approval to the subject placed before it as the 1st respondent failed to mention anything in the said notice dated 11.2.2016. In view of the urgency in this matter, the petitioner is before this court with this Writ Petition.

6. Today, when the matter is taken up for consideration, the learned Additional Government Pleader, appearing for 1st respondent, on instructions, submitted that the council meeting is scheduled to be convened tomorrow on 20.2.2016 and based on the decision taken at the council meeting, appropriate order would be passed.

7. However, learned counsel for the petitioner prayed this court to give a positive direction.

8. In view of the submissions made on either side, though this Court is not inclined to give any positive direction, however, in the Council Meeting, the first respondent is directed to place the papers relating to permission granted by the 2nd respondent for conducting meeting as well as No Objection Certificate issued by the High Ways Department and No Objection Certificate issued by the Sub Collector to permit the petitioner for fixing the Flex banner and No Objection Certificate issued by the 2nd respondent for fixing flex banner at various places of Vaniyambadi, so as to enable them to take appropriate decision.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected W.M.P.No.4968 of 2016 is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

msr

To

The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi 635 751.
Vellore District.

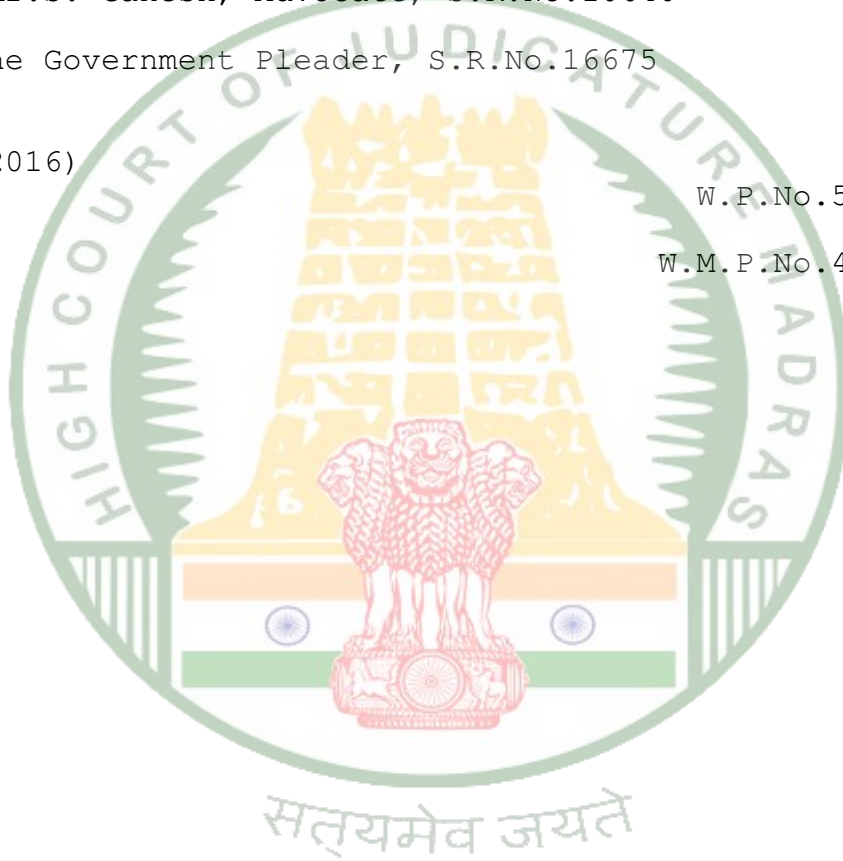
2. The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi,
Vellore District.

+2ccs to Mr.S. Ganesh, Advocate, S.R.No.10640

+1cc to the Government Pleader, S.R.No.16675

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