IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7243 of 2016
and WMP.Nos.6441 and 6442 of 2016

Nivas ... Petitioner

Vs.

The State rep by
The Superintendent of Police,
Erode District, Erode.

2.The State rep by
The Deputy Superintendent of Police,
Sub Division - Gobi Chettipalayam,
Erode District.

3.The State rep by
The Revenue Tahsildar
Gobichettipalayam
Erode District.

4.The State rep by
The Inspector of Police,
Gobichettipalayam Police Station,
Erode District. ... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus to call for the records sequel to the impugned order passed by the second respondent dated 24.02.2016 bearing No.Na.Ka.En.48/SDOG/Mike/2016 and to quash the same and consequently direct the respondents to grant permission to the petitioner's organisation for conducting public meeting pursuant to the petitioner's representation dated 12.02.2016.

For Petitioner : Mr.R.Thirumoorthy
For respondents : Mr.V.Jayaprakash Narayanan,
Spl.Government Pleader

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

2.The petitioner has come forward with the present Writ Petition seeking for issuance of certiorarified Mandamus to call for the records sequel to the impugned order passed by the second respondent dated 24.02.2016 bearing No.Na.Ka.En.48/SDOG/Mike/2016 and to quash the same and consequently direct the respondents to grant permission to the petitioner's organisation for conducting public meeting pursuant to the petitioner's representation dated 12.02.2016.

3.The petitioner is the District Organizer of Dravidar Viduthalai Kazhagam, Erode, which has been functioning for several years to eradicate the communalism and bring the social harmony to the society. The affiliated members of the said association who works for welfare of the society and tender service to oppressed and depressed of the people in the society.

4.The petitioner organisation planned to hold the conference by way of public meeting on 28.02.2016 at Periyar Thidal at Gobichettipalayam, Erode District. The petitioner submitted his request on 01.02.2016 before the Municipal Commissioner, Gobichettipalayam and the same was forwarded to the 3rd respondent, the 3rd respondent granted permission to conduct the meeting, the petitioner also paid the necessary charges for using the place for public meeting.

5.The petitioner submitted his representation before the second respondent on 12.02.2016 for giving police protection. The petitioner sent another representation through post on 15.02.2016, the same was received by the second respondent on 16.02.2016 and even thereafter, the respondents have not given any reply to the petitioner. The petitioner has also made necessary arrangements to conduct meeting by making advance payments for electrical generators, electrical lights, public address system, chairs etc., the second respondent has not taken any decision and not given any communication regarding the request for police protection.

6.Whileso, the petitioner filed writ petition in WP.No.6578 of 2016 before this Court to direct the first respondent to grant permission for conference and meeting, the same is taken up for hearing on 23.02.2016, wherein the learned Government Advocate got adjournment on 25.02.2016 for getting instructions. On 24.02.2016, the second respondent therein rejected the request of the petitioner and served the petitioner on the same day at 11.00pm. Hence, the petitioner approached this Court by way of present writ petition, to set aside the order passed by the second respondent.

7.The fourth respondent filed his counter stating that if the permission is granted to the speakers of Dravidar Viduthalai

https://hcservices.ecourts.gov.in/hcservices/

Kazhagam, it would result in law and order problem. In the past several cases has been registered against the members of Dravidar Viduthalai Kazhagam. The members of the Thanthai Periyar Dravidar Kazhagam trespassed into the house of one Pachapakesam broke open the lock of the door of pooja room and damaged the photos of Hindu Gods, the said case is also pending. Recently, on 06.12.2015, members of the Hindu Organisation addressed the gathering, uttered denigrating remarks against the muslim community and case was registered against the speaker and remanded to judicial custody. Therefore, if a permission is granted it would affect the public peace and tranquility in the area. Hence, prayed for dismissal of this writ petition.

8.Today, when the writ petition is taken up for consideration, the learned counsel for the petitioner filed an affidavit stating that the organisation has conducted several public meetings in all over Tamil Nadu and no law and order problem arose either during or after the meeting, the speakers of the organisation will only speak about the ideology of Periyar. The participants would quietly disperse without causing disturbance to any people in and around the area and general public and further submitted that they are ready to abide the conditions imposed by the respondents.

9.Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader who accepts notice on behalf of the respondents.

10.In view of the undertaking given by the petitioner, the impugned order is liable to be quashed and the same is hereby quashed, the respondents are directed to give permission to the petitioner to conduct public meeting on 28.02.2016 at Periyar Thidal, Gobichettipalayam, after imposing the following conditions :

(i)the meeting shall be conducted without causing any hindrance to the general public;

ii)no words, actions, expressions shall be made by the petitioner association and others, affecting the sentiments of others; and

iii)the meeting shall not be conducted after 10.00pm.

Apart from the above conditions, the respondent/police are also at liberty to impose any other necessary conditions as they deem fit and proper.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

11.With the above terms, the writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

tsh
To
The Superintendent of Police,
Erode District, Erode.

2.The The Deputy Superintendent of Police,
Sub Division - Gobi Chettipalayam,
Erode District.

3.The Revenue Tahsildar
Gobichettipalayam
Erode District.

4.The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

+1 cc to Mr.R.Thirumoorthy Advocate sr.12324

W.P.No.7243 of 2016

aa26/02/2016

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/