WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.A(MD)No.1545 of 2016
and C.M.P.(MD) No.11460 of 2016

M.Imam Hussain ... Appellant/3rd Party

Vs.

1.S.Sankar Ganesh ... 1st Respondent/Writ Petitioner

2.The Superintendent of Police,
Dindigul District.

3.The Deputy Superintendent of Police,
Dindigul District.

4.The Inspector of Police,
North Police station,
Dindigul District. ... Respondents 2 to 4/Respondents 1 to 3

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 04.12.2015 made in W.P.(MD) No.21423 of 2015.

Prayer in WP(MD). 21423/ 2015 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents herein to look in to the grievance of the petitioner expressed in the representation dated 26.11.2015 and thereby accord permission to conduct the agitation and using the sound speakers and to provide police protection on 06.12.2015 around 5.30.

For Appellant : Mr.T.Lajapathi Roy
For 1st Respondent : Mr.N.Ananthapadmanaban
for Mr.Karthikeya Venkatachalapathy

For Respondents 2 to 4: Mr.Pugalenthi,
Additional Advocate General
assisted by
Mr.A.K.Baskara Pandian,
Special Government Pleader (Writs)

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

WEB COPY

JUDGMENT

(Judgment of this Court was delivered by M.SATHYANARAYANAN, J.)

By consent, this Writ Appeal is taken up for final disposal.

2.The appellant is a 3rd party and after obtaining leave has filed this Writ Appeal, challenging the order dated 04.12.2015, made in W.P.(MD) No.21423 of 2015.

3.The appellant herein would state that he is the Former General Secretary of Jamiyathan Ahlil Quran Val Hadhees and is also a law graduate and according to him, the impugned order passed in the writ petition, which is the subject matter of challenge in this Writ Appeal is in gross violation as it curtails the freedom of speech and expression, and without putting the aggrieved persons on notice a blanket order was passed directing the State Government not to accord permission to any organisation in future irrespective of religions for conduct of such demonstration, rally, protest etc., particularly on the 6th of December, concerning Babari Masjid from the year 2016 and therefore, prays for interference.

4.Mr.T.Lajapathi Roy, learned counsel appearing for the appellant would submit that in the light of Article 19(1)(a) and (b) of the Constitution of India coupled with the very many decisions rendered by the Hon'ble Supreme Court and this Court, such a kind of blanket order cannot be passed at all and as and when the concern organisation/individual file any application, seeking permission to conduct public meeting, rally, protest, demonstration etc., it should be considered in accordance with law, and depending upon the orders passed on the applications, it is always open to the concern party to work out their remedy and therefore prays for interference.

5.Similar issue arose for consideration in Writ Appeal (MD) No.1422 of 2016, and this Court had elaborately dealt with the legal aspects and held that such clauses viz. (iii) and (iv) of paragraph No.16 of the impugned order are unsustainable and set aside the same with observations. In the considered opinion of the Court, such judgment is fully applicable to the present case on hand.

6.In the result, the Writ Appeal is allowed and clause (3) and (4) of paragraph 16 of the order dated 04.12.2015, made in W.P.(MD) No.21423 of 2015, are set aside, subject to observations/directions made in W.A.(MD) No.1422 of 2016 dated 25.11.2016. Consequently, Miscellaneous Petitions in C.M.P.(MD) Nos.11460 of 2016 is closed. However, in the circumstances of the case, there shall be no order as to the costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

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

Sub Assistant Registrar

WEB COPY

To

1.The Director General of Police of Tamilnadu,
Santhome, Chennai - 600 004.

2.The Superintendent of Police,
Dindigul District.

3.The Deputy Superintendent of Police,
Dindigul District.

4.The Inspector of Police,
North Police station,
Dindigul District.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 73028
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 73236

SJ
TE/KM/SAR-I : 29/11/2016 : 3P/7C (IT)

W.A(MD)No.1545 of 2016
and C.M.P.(MD) No.11460 of 2016
25.11.2016

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