

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.30161 of 2017

S.Sundharamurthy

... Petitioner

Vs

1. The Greater Chennai City Commissioner of Police,
Veppery, Chennai - 600 007.
2. The Assistant Commissioner of Police (Law & Order)
Avadi Range, Chennai - 600 055.
3. The Deputy Commissioner of Police (Law & Order),
Ambathur District, Chennai - 600 054.
4. The Inspector of Police (Law & Order),
Avadi, Chennai - 600 054.

.. Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue any writ order or direction more so in the form of Writ of Mandamus direct the respondents to grant permission to conduct "Maveerar Day Public Celebration" in Avadi, Chennai, Thiruvallore High Road, Chennai District on 27.11.2017 by considering the petitioner's representations dated 15.11.2017 and 18.11.2017.

For Petitioner : Mrs.E.Angayarkanni

For Respondents: Mr.S.Babu,
Government Advocate.

ORDER

The present writ petition has been filed since the fourth respondent had rejected the petitioner's request for conducting a meeting on 27.11.2017 to celebrate the Martyrs Day, which they have been celebrating for the past 10 years in the peaceful manner.

2. Today, when the matter was called, the learned Government Advocate has produced a copy of the order of rejection, on the ground that the place for which the petitioner seeks permission is a congested place and there could be law and

order problem.

3. It is needless to point out that whenever the permission has been sought for and the respondents apprehend that there could be a law and order problem, it is the duty of the respondents to prevent such a situation rather than rejecting the petitioner's request, since the right of the petitioner to conduct such a meeting is a fundamental right. No doubt, it is always open to the police to regulate such a meeting by imposing reasonable restrictions. Though, I am of the view that the respondents could be directed to grant permission for conducting the meeting, it would not be appropriate for the petitioner to insist on the same place where the fourth respondent feels that it is congested and might create disturbance to the general public.

4. At this juncture, the learned counsel for the petitioner submits that if the permission is granted at Avadi Anna Statue, near Avadi Railway Station, they would be satisfied. The learned Government Advocate also on instruction from the Inspector of Police, who is present before this Court, submitted that such place can be considered.

5. In the result, the writ petition stands allowed. The fourth respondent is directed to grant permission to the petitioner to celebrate "Martyr's Day" at Avadi Anna Statue, near Avadi Railway Station on 27.11.2017 from 5.30 p.m., to 6.30 p.m. It is open to the fourth respondent to impose reasonable restrictions while granting such permission. No costs.

Sd/-
Assistant Registrar (CS-)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rts

To

1. The Greater Chennai City Commissioner of Police,
Veppery, Chennai - 600 007.
2. The Assistant Commissioner of Police (Law & Order)
Avadi Range, Chennai - 600 055.

3. The Deputy Commissioner of Police (Law & Order),
Ambathur District, Chennai - 600 054.
4. The Inspector of Police (Law & Order),
Avadi, Chennai - 600 054.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.ANGAYARKANNI Advocate, S.R.No. 83589/17

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