

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.30585 of 2017

V.Kovai Sivabalan

... Petitioner

Vs

1. The Joint Commissioner of Police,  
(Law and Order),  
Coimbatore City,  
Coimbatore.

2. The Inspector of Police,  
Podanur Police Station,  
Podanur,  
Coimbatore.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified Mandamus calling for the records in the order bearing No. Na.Ka.No.1626/A/Ka.Thu.Aa/Sa.O./Ko/Ma/2017 dated 23.11.2017 passed by respondent No.1 and quashing the same, and directing the respondents to permit the petitioner to conduct the public meeting to commemorate "Maaveerar Naal" at Sangam street, Sundarapuram, Coimbatore on 27.11.2017 on behalf of 'Thamizhdesa Makkal Katchi'.

For Petitioner : Mr.P.K.Ilavarasan

For Respondents: Mr.K.Dhananjeyan  
Special Government Pleader

ORDER

The present writ petition has been filed since the first respondent had rejected the petitioner's request for conducting a meeting on 27.11.2017 to celebrate the Martyrs Day.

2. Today, when the matter was called, the learned Special Government Pleader 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.

4. At this juncture, the learned counsel for the petitioner submits that if the permission is granted at Sangam street, Sundarapuram, Coimbatore, they would be satisfied. The learned Special Government Pleader 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 first respondent is directed to grant permission to the petitioner to celebrate "Martyr's Day" at Sangam street, Sundarapuram, Coimbatore on 27.11.2017 from 5.30 p.m., to 6.30 p.m. It is open to the first respondent to impose reasonable restrictions while granting such permission. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Joint Commissioner of Police,  
(Law and Order),  
Coimbatore City,  
Coimbatore.

2. The Inspector of Police,  
Podanur Police Station,  
Podanur,  
Coimbatore.

3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.P.K.Ilavarasan, Advocate in sr.no.83798

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SKV(CO)  
NR 24/11/2017