

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.30783 of 2017

M. Tameem Marakeyar

... Petitioner

Vs.

1.The Superintendent of Police,
Vellore District.

2.The Deputy Superintendent of Police,
Vellore, Vellore District.

3.The Inspector of Police,
Vellore North Police Station,
Vellore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the entire records pertinent to the order of the third respondent dated 15.11.2017 and to quash the same and consequently, direct the respondents to grant permission and to conduct peaceful procession and public meeting scheduled to be held on 02.12.2017 on the eve of (Milad-un-Nabi) festivals based on petitioner representation dated 01.11.2017 to conduct the events.

For Petitioner : Mr.Mohammed Sayeed

For Respondents : Mr. Akil Akbar Ali,
Government Advocate

ORDER

The limited prayer sought for by the petitioner is to quash the order of the third respondent dated 15.11.2017 and further direct the respondents to grant permission to conduct a peaceful procession and public meeting scheduled to be held on 02.12.2017 on the eve of Milad-un-Nabi festival, based on the petitioner's representation dated 01.11.2017 to conduct the events.

2.Learned Government Advocate on instructions submitted that if the permission is granted, it would cause traffic congestion.

3.I do not endorse the reasoning of the respondents for rejecting the petitioner's request for the simple reason that the police department has been created only for the purpose of tackling the above problems. Since it is the fundamental right of the petitioner to conduct such a procession and public meeting, if at all, the respondent is of the view that they intend to cause traffic congestion, it was always open to them to permit the petitioner to conduct the procession and meeting by imposing conditions. Hence, the third respondent is directed to grant permission to the petitioner to conduct a peaceful procession for Milad-un-Nabi festival and public meeting on 02.12.2017, by considering the petitioner's representation dated 01.11.2017. Such exercise shall be completed on or before 01.12.2017. The permission shall be granted enabling the petitioner to have a peaceful procession from Dada peer Dharga, Shariff to Saidani bee Dharga near Anna Auditorium via Vellore Saidapet BTC road, Kaneer Mosque, Main Bazaar, Mandi Street, Officers Line. Pursuant to the procession, the third respondent shall also grant permission to the petitioner to conduct the meeting between 6.30 p.m. and 9.30 p.m.

4.It is open to the third respondent to impose any reasonable restrictions, without deviating the permission for the procession and meeting as well as without deviating the route.

5.The Writ Petition stands allowed, with the above terms.

Sd/-
Assistant Registrar (CS-)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

nl/aav

To

1.The Superintendent of Police,
Vellore District.

2.The Deputy Superintendent of Police,
Vellore, Vellore District.

3.The Inspector of Police,
Vellore North Police Station,
Vellore.

4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.MOHAMMED SAYEED Advocate, S.R.No. 85279/17

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VGII(CO)
TR(30/11/2017)



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