

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.09.2017

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.No.25876 2017
and W.M.P.No.27326 of 2017

K.Asaithambi

[Petitioner]

Vs

- 1 The Inspector of Police,
Sethiyaar Thoppu Police Station,
Sethiyaar Thoppu,
Cuddalore District.
- 2 The Deputy Superintendent of Police,
O/o.the Deputy Superintendent of Police,
Sethiyaar Thoppu, Cuddalore District.
- 3 The Superintendent of Police,
O/o.the Superintendent of Police,
Cuddalore District.

[Respondents]

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of mandamus to direct the respondents to permit the petitioner to conduct Public Meeting on 01.10.2017 near Sethiyaar Thoppu Market between 5.00 pm and 10.00pm. or on any other subsequent date.

For Petitioner : Mr.S.Jim Raj Milton
For Respondents : Mr.M.Elumalai, GA

O R D E R

Mr.M.Elumalai, learned Government Advocate, takes notice for the respondents.

2. The petitioner has filed the above writ petition to direct the respondents to permit him to conduct Public Meeting

on 01.10.2017 near Sethiyaar Thoppu Market between 5.00 pm and 10.00 pm. or on any other subsequent date.

3. The petitioner wanted to conduct a peaceful demonstration to highlight the menace of sand quarrying in Vellaaru River, Cuddalore. The petitioner and other residents of Koodalaiyathoor Village in Cuddalore District have been agitating that the sand quarry in the said Village should be permanently closed. In this regard, the petitioner has submitted an application on 09.09.2017 seeking permission to conduct demonstration on 14.09.2017 near Sethiyaar Thoppu Market between 04.00 and 08.00 p.m. But, this request was denied by an order dated 11.09.2017 by the 2nd respondent herein. Thereafter, a fresh application was taken out and the same has not yet been considered till date and hence the present writ petition.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

5. Pursuant to the representation made by the petitioner dated 11.09.2017, an order was passed by the 2nd respondent on 11.09.2017, rejecting the petitioner's request for holding the demonstration on 14.09.2017. The 2nd respondent has merely stated in the said impugned order dated 11.09.2017, that if the proposed agitation is permitted to be conducted, there is every likelihood of causing of law and order problem.

6. Since the date of demonstration has passed by i.e., 14.09.2017, a fresh application has been submitted by the petitioner on 15.09.2017 seeking permission to hold demonstration on 01.10.2017. The said date is a Sunday. The petitioner wants to conduct a public meeting also. This Court can take judicial note of the fact that sand mining is rampant in the State of Tamil Nadu and that it is causing ecological damage. The petitioner, being a public activist, is entitled to highlight the same so as to create awareness among the general public. Permission to conduct such a meeting cannot be denied. Article 19 of the Constitution of India guarantees not only free speech and expression but also peaceably assemble. The respondents are not in a position to furnish any justifiable reason for denying the request made by the petitioner.

7. Therefore, this Court, directs the 2nd respondent to permit the petitioner to conduct public meeting on 01.10.2017 near Sethiyaar Thoppu Market between 5.00 pm and 09.00 pm. It is open to the 2nd respondent to incorporate such conditions as he deems it fit for ensuing the smooth conduct of the meeting. It is made clear that the 2nd respondent can impose reasonable restrictions in this regard.

The writ petition stands allowed accordingly. No costs.
Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

- 1 The Inspector of Police
Sethiyaar Thoppu Police Station
Sethiyaar Thoppu
Cuddalore District.
- 2 The Deputy Superintendent of Police
O/o.the Deputy Superintendent of Police
Sethiyaar Thoppu Cuddalore District.
- 3 The Superintendent of Police
O/o.the Superintendent of Police
Cuddalore District.

+1cc to Mr.S.Jim Raj Milton, Advocate Sr. 70864

W.P.No.25876 2017

MR(CO)
VR(28/09/2017)

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