

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.27668 of 2017

and

W.M.P.No.29617 of 2017

P.M.S.Sivakumar

... Petitioner

Vs

1. Superintendent of Police,
Vellore District,
Vellore.
2. The Deputy Superintendent of Police,
Gudiyatham, Vellore District.
3. The Inspector of Police,
Pernampet, Vellore District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records in connection with order of rejection of conducting public meeting made in Rc.No.44/Ka.Aa/Pernampet Police Circle/2017 passed by the 3rd respondent dated 23.10.2017 and quash the same and to direct the 3rd respondent to give permission to the petitioner conduct the public meeting at Pernampet Bus Stand, Pernampet, Vellore District on 28.10.2017 or on subsequent date.

For Petitioner : Mr.R.Rajaramani

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to call for the records in connection with order of rejection of conducting public meeting made in Rc.No.44/Ka.Aa/Pernampet Police Circle/2017 passed by the 3rd respondent dated 23.10.2017 and quash the same and to direct the 3rd respondent to give permission to the petitioner conduct the public meeting at Pernampet Bust Stand, Pernampet, Vellore District on 28.10.2017 or on subsequent date.

2 By consent of both the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

3 The only reason on which the petitioner's request to conduct a public meeting at Pernampet Bus Stand, Pernampet, Vellore District was rejected is that there is a likelihood of law and order problem. On this issue, this Court as well as the Hon'ble Supreme Court in various cases have held that the conduct of peaceful meeting is a fundamental right and therefore, the respondents cannot deny permission on the reason that there is a likelihood of law and order problem.

4 It is needless to point out that if at all, there is any likelihood or a situation of law and order, it is the duty of the respondent police to safeguard the situation and keep it under control. In this background, I am of the view that the petitioner is entitled to be granted permission for conducting such a meeting. However, the meeting shall be done in a peaceful manner, without affecting any sections of the society. The respondent police would also be entitled to impose reasonable restrictions for the purpose of granting permission. Though the petitioner has sought for permission for the meeting to be conducted on 28.10.2017, the learned counsel for the petitioner submits that he would be satisfied if the respondents consider granting permission for the meeting to be held on 07.11.2017.

5 The writ petition stands allowed. The petitioner is granted liberty to approach the respondent police seeking permission for conducting a public meeting at Pernampet Bus Stand on 07.11.2017 and on receipt of such application, the 3rd respondent police shall positively grant permission with reasonable restrictions. Such an exercise shall be endeavoured to be made on the same day of the application. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

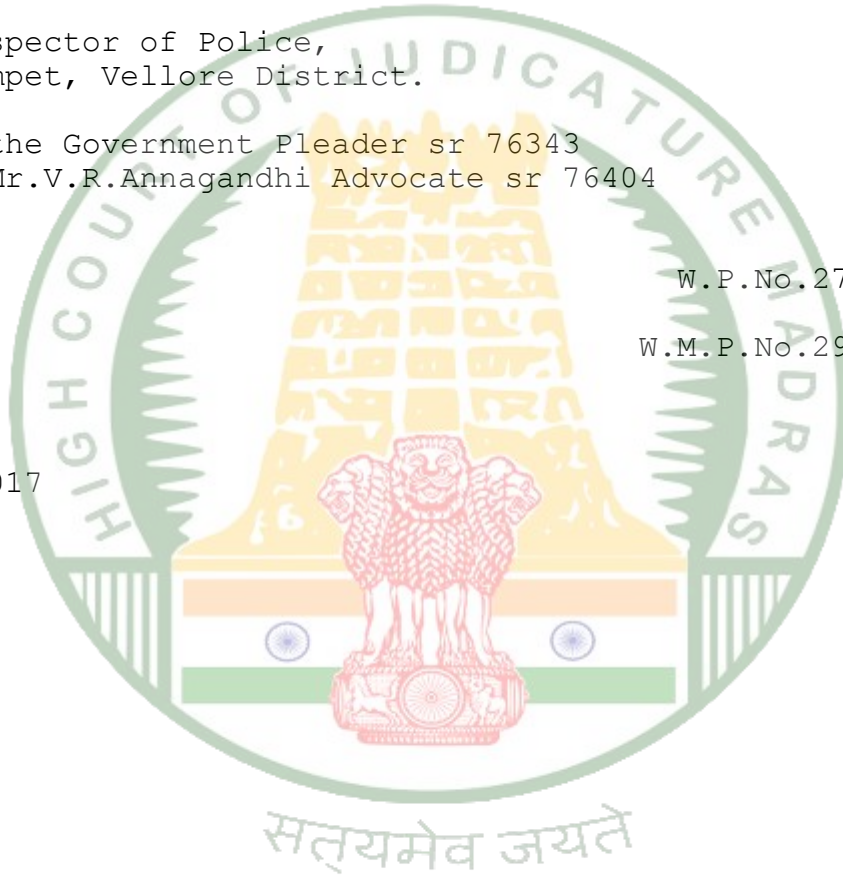
1. Superintendent of Police,
Vellore District,
Vellore.
2. The Deputy Superintendent of Police,
Gudiyatham, Vellore District.
3. The Inspector of Police,
Pernampet, Vellore District.

+1 cc to the Government Pleader sr 76343

+1 cc to Mr.V.R.Annagandhi Advocate sr 76404

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aa30/10/2017



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