



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].No.397 of 2017

and

CMP(MD)Nos.3579 and 3580 of 2017

V. Subramanian : Appellant

Vs.

1.The District Collector,
District Collector's Office,
Karur District,
Karur.

2.The Superintendent of Police,
O/o the Superintendent of Police,
Karuru District.

3.The Deputy Superintendent of Police,
O/o the Deputy Superintendent of Police,
Karur District,
Karur

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to allow the Writ Appeal and set aside the order passed in W.P.(MD).No.1940 of 2017 dated 22.03.2017 on the file of this Court.

Prayer in WP(MD). 1940/ 2017 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.24/Ka.Thu.Ka./Karur/2017 dated 16.01.2017 on the file of the Respondent No.3 and quash the same as illegal and consequently direct the respondent No.3 to grant permission to conduct the procession in Karur-Kovai Road, and public meeting in the square (Thidal) Opposite to the Uzhavar Sandai, Karur on 19.02.2017 at about 5 pm or any other date within the time stipulated by this Honble Court.

For Appellant

: Mr.T. Lajapathy Roy

For Respondent

: Mr.V.Muruganantham,
Additional Government Pleader



JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

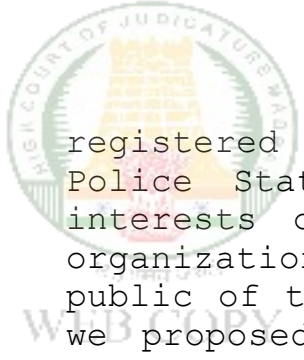
Heard Mr.T. Lajapathy Roy, learned counsel appearing for the appellant on and Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents. By consent of both the parties, the writ appeal itself is taken up for disposal at the admission stage itself.

2.The appellant/Writ petitioner claiming himself to be a Coordinator of Organisation stated to have been formed for protecting the river Cauvery and illicit mining of sand, approached the respondents for grant of permission to conduct a public meeting and procession. The appellant/Writ Petitioner stated that several veteran leaders are to participate in the meeting and requested permission at the Thidal, opposite to Uzhavarsandhai, Karur for a meeting on 19.02.2017 at 5.00 pm.

3. The respondent Police by the order dated 16.01.2017, rejected the permission on several grounds and in particular that more than seven criminal cases have been registered against the organizers of similar meeting during the months of September, October, November and December 2016. Further in the earlier meeting people, who were unconnected with the organizers from other districts were present and the place, which has been chosen by the petitioner is in the heart of the town and it will cause irreparable hardship to the general public and school going children.

4. The Writ Court which considered the correctness of the impugned order passed by the respondent Police, disposed of the Writ Petition by impugned order without going into the merits of the case, granting leave to the appellant to submit an application to the Superintendent of Police, for conducting procession/demonstration for the purpose of condemning sand theft on a Sunday at the place earmarked for demonstration in Karur District by the Police, the petitioner shall disclose the aegis under which the demonstration is being conducted and the names of the personalities, who are likely to participate in the demonstration and on such representation being made, the same was directed to be considered on merits and orders to be passed within one week.

5. After we have heard the learned counsel for the appellant, we are of the opinion that the appellant can hardly to be aggrieved by the direction issued by the Writ Court. Since all that has been directed to be done in submission of an application before the Superintendent of Police, Karur. Thus considering the past record and in particular that seven criminal cases have been



registered at the Velayudhampalayam Police Station and Vangal Police Station and the same are pending, while balancing the interests of all concerned namely the Appellant/Writ Petitioner organization and his like minded people as well as the general public of the town and taking note of the purpose of such meeting, we proposed to dispose of this Writ Appeal, by issuing certain directions.

6.Thus, in tune with the order passed by the Writ Court, we direct the Writ Petitioner to submit an application to the second respondent clearly indicating as to who are all the organizers of the said meeting and how many people are likely to attend the meeting and what are the issues they propose to focus. They shall also give an undertaking that they shall be solely and fully responsible, if any untoward incident occurred, which is likely to cause inconvenience or disturbance to the general public. The appellants are directed to indicate three places in Karur District, where, they would likely to conduct the meeting and it is for the second respondent to decide as to which place can be approved and the date and time of the meeting shall also be determined by the second respondent.

7.Furthermore, the second respondent would be entitled to impose reasonable conditions so as to regulate the manner, in which the meeting has to be conducted and if in the opinion of the second respondent that if any procession is conducted and it will disturb the general public, then the second respondent shall inform the petitioner accordingly. However, the second respondent shall also consider as to how best the procession can be regulated at least for a short distance, since it appears that the cause, which the petitioner seeks to project is as public cause. Like wise the petitioner should give an undertaking that they and the speakers in the meeting will not make any seditious statements or attack any person or organization in their personal capacity and shall observe decency and decorum in the language which will be used by them at the meeting. The second respondent is directed to consider the request within a period of one week from the date on which, the application is submitted by the petitioner.

8.With the above order and directions, this Writ Appeal is disposed of. NO costs. Consequently, connected Miscellaneous Petitions are closed.

SD
ASST REGISTRAR

TRUE COPY

SUB ASST REGISTRAR



To

1.The District Collector,
District Collector's Office,
Karur District,
Karur.

2.The Superintendent of Police,
O/o the Superintendent of Police,
Karur District.

3.The Deputy Superintendent of Police,
O/o the Deputy Superintendent of Police,
Karur District,
Karur.

+1CC to M/S.T.Lajapathi Roy, Advocate, SR.No. 52329

JM/SKN RSK/SAR 4/17.04.2017/4P/5C

JUDGMENT MADE IN
W.A.[MD].No.397 of 2017
and CMP(MD)Nos.3579 and 3580 of 2017
13.04.2017