



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.13765 of 2017

Kaliappan @ Ramadoss

... Petitioner

-Vs-

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Thanjavur District.
2. The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thanjavur District.
3. The Inspector of Police,
East Town Police Station,
Thanjavur.

... Respondents

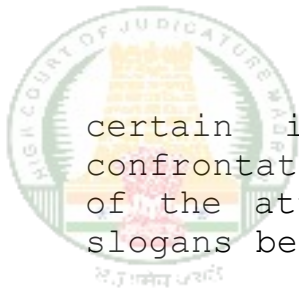
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to grant permission for conducting a Seminar cum Conference, on August 5, 2017, from 9.30 a.m., to 10.00 p.m., venue at Thiruvalluvar Thidal @ Thilagar Thidal, Thanjavur, Thanjavur District.

For Petitioner : Mr.M.Ajmal Khan, Senior Advocate,
for Mr.T.Lajapathi Roy, Advocate.

For Respondents : Mr.B.Pugazhendhi,
Additional Advocate General,
Assisted by,
Mr.A.K.Baskara Pandiyan,
Special Government Pleader.

O R D E R

This Writ petition is filed for issuing a Writ of Mandamus, directing the second respondent to grant permission for conducting a Seminar cum Conference, on August 5, 2017, from 9.30 a.m., to 10.00 p.m., venue at Thiruvalluvar Thidal @ Thilagar Thidal, Thanjavur, Thanjavur District.



certain incidents in the past wherein there were serious confrontations between the participants and the police on account of the attitude and the conduct of the participants in raising slogans beyond expectations.

8. This Court consider the submission of the learned Additional Advocate General carefully.

9. The learned Senior counsel for the petitioner relied upon a Judgment of the Hon'ble Supreme Court in the case of **Ramlila Maidan Incident, Vs. Home Secretary, Union of India and others**, reported in **(2012) 5 SCC 1**, wherein the Hon'ble Supreme Court has held as follows:-

"Freedom of speech, right to assemble and demonstrate by holding dharnas and peaceful agitations are the basic features of a democratic system. The people of a democratic country like ours have a right to raise their voice against the decisions and actions of the Government or even to express their resentment over the actions of the Government on any subject of social or national importance. The Government has to respect and, in fact, encourage exercise of such rights. It is the abundant duty of the State to aid the exercise of the right to freedom of speech as understood in its comprehensive sense and not to throttle or frustrate exercise of such rights by exercising its executive or legislative powers and passing orders or taking action in that direction in the name of reasonable restrictions. The preventive steps should be founded on actual and prominent threat endangering public order and tranquillity, as it may disturb the social order. This delegated power vested in the State has to be exercised with great caution and free from arbitrariness. It must serve the ends of the constitutional rights rather than to subvert them."

10. This Court, in earlier order in **W.P. (MD) No. 12718 of 2017, dated 13.07.2017**, granted permission to the petitioner as per the provisions of **Section 30(2) of the Police Act, 1861**, when similar agitation was organized by the petitioner, wherein, this Court has held as follows:-

"Having regard to the view taken by the Hon'ble Division Bench of this Court in the above case, this Court is not able to justify



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the order of the third respondent refusing to grant permission. It has been held that Section 30(2) of the Police Act, 1861, does not provide a blanket power to strifle any democratic dissent of the citizens by the police. In the said circumstances, this Writ petition is allowed and the impugned order, dated 02.07.2017 is set aside. The second respondent is directed to consider the petitioner's representation, dated 05.07.2017 and grant appropriate permission and provide police protection to the petitioner to conduct a public meeting on 15.07.2017 at Abraham Pandithar Salai, Thanjavur Town between 06.00 p.m., to 10.00 p.m., subject to any reasonable restrictions/conditions that is required to preserve public order and communal harmony. The order shall be passed by the second respondent before 06.00 p.m., on 14.07.2017. No costs."

11. Having regard to the facts narrated above, this Court is inclined to pass the following order, giving liberty to the respondents to put reasonable restrictions or conditions to ensure that there is a maintenance of public order and tranquillity:-

" i) The first respondent is directed to consider the representation of the petitioner, dated 13.07.2017, and to grant permission to the petitioner for conducting the Seminar cum Conference **on 05.08.2017, between 9.00 a.m., and 10.00 p.m.,** at Thiruvalluvar Thidal @ Thilagar Thidal, Thanjavur, Thanjavur District, subject to reasonable restrictions or conditions that are required to maintain public order and tranquillity.

ii) It is made clear that the petitioner has to provide adequate provisions for Toilets and Drinking Water facility within the vicinity so as to meet the requirements of the whole population which assemble in connection with the Seminar."

12. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/



To

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Thanjavur District.
2. The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thanjavur District.
3. The Inspector of Police,
East Town Police Station,
Thanjavur.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 69496
+1 cc to The Special Government Pleader in SR.No.70099

pmu

AE/SV/SAR3/03.08.2017/5P/6C

W.P. (MD) No. 13765 of 2017
02.08.2017