



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.18989 of 2017

L.Meiyappan

...Petitioner

-Vs-

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.

2. The Assistant Commissioner of Police (L&O),
Office of the Assistant Commissioner of Police,
Tallakulam,
Madurai City.

3. The Inspector of Police (L&O),
D-2, Sellur Police Station,
Sellur, Madurai -2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings issued by the second respondent vide Na.Ka.No.113/MLR/AC-TKM/L&O/2017, dated 27.09.2017 and to quash the same as illegal and consequently direct the respondents to grant permission to the petitioner's organization through the petitioner's representation dated 04.10.2017 to conduct the peaceful meet on 28.10.2017, evening 06.00 pm to 10.00 pm.

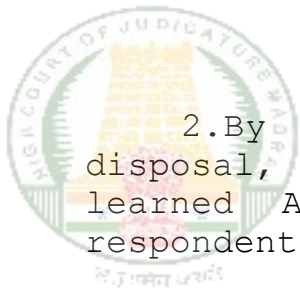
For Petitioner : Mrs.A.Rajini

For Respondents : Mr.D.Muruganadam

Additional Government Pleader.

O R D E R

The Writ Petition is filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings of the second respondent dated 27.09.2017 and to direct the respondents to grant permission to their organization to conduct the meeting on 28.10.2017, evening 06.00 p.m., to 10.00 p.m., by considering his representation dated 04.10.2017.



2.By consent, this writ petition is taken up for final disposal, at the stage of admission itself. Mr.D.Muruganantham, learned Additional Government Pleader takes notice for the respondents.

3.The learned Counsel for the petitioner stated that the petitioner is an active member of "May 17" movement. It is further stated that their organisation is working for promoting the cause and welfare of Tamil people as well as downtrodden communities and working to promote the rights guaranteed by the Constitution to the citizen of this country. It is further stated that their organisation consists of academicians, journalists, professors and people from various sections.

4.It is stated that the organisation of the petitioner wanted to organize a public meeting to highlight the various rights which are denied to the Tamil people, in various spheres of life. When they sought permission for conducting the public meeting on 01.10.2017, the second respondent by the impugned order dated 27.09.2017, refused permission stating that they have not produced the Registration Certificate of their organisation, which is expected to be registered either under the Societies Registration Act or under any other law. The purpose behind the rejection of the request is obvious that the respondents, as a law enforcing agency, should know the credentials of people who are organizing the public meeting so as to ensure the maintenance of law and order. It is further represented by the learned Counsel for the petitioner that after denial of permission, by the respondents, for the said meeting on 01.10.2017, the organisers of the meeting decided to conduct the same on 28.10.2017 and now, the said meeting is postponed to 19.11.2017.

5.The learned Counsel for the petitioner submitted that the the power of the respondents is only to regulate and that therefore, the respondents cannot insist the petitioner to form an association before conducting such protest meeting. It is true that no law requires registration of organisation before conducting a meeting which is for lawful purpose. However, it is expected from the respondents to get the full particulars about the organisation and their credentials, apart from the details of programme and participants, before considering the request of such unregistered organisation to conduct public meeting or protest meeting or procession in a public place.

6.Unless the credential of the organizers and details about the participants is known to the respondents, it is not possible for them to give permission or grant permission to conduct public meeting in a public place. It is to be noted that the public meeting is organized in a public place, which is a traffic congested area. Having regard to the facts narrated in the affidavit filed in support of the petition and the objections



raised by the respondents in the impugned order, this Court is inclined to pass the following order:

"The petitioner is directed to provide all the details about the programme, participants and any other particulars as required by the respondents, forthwith and thereafter, the second respondent is directed to consider the representation of the petitioner dated 04.10.2017 and pass appropriate orders, on merits and in accordance with law, on or before 16.11.2017. The second respondent is further directed not to reject the permission on the only ground that the organizers of the public meeting is not a registered organisation, as any group of individuals may also organize such public meeting for lawful purpose. It is also open to the second respondent to put any reasonable restrictions for ensuring law and order and public tranquillity, if permission is granted."

7.The Writ Petition is disposed of, as above. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.
2. The Assistant Commissioner of Police (L&O),
Office of the Assistant Commissioner of Police,
Tallakulam,
Madurai City.
3. The Inspector of Police (L&O),
D-2, Sellur Police Station,
Sellur, Madurai -2.

+ 1 CC TO MR.A.Rajini, ADVOCATE IN SR No. 86022
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.86235

cmr

MK/SKN RSK/SAR-3/09.11.2017/3P/6C

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