

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.3057 of 2018

D.Damodharan

.. Petitioner

Vs.

1.The Inspector of Police,
Asthampatti Police Station,
Salem - 7.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

.. 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 pertaining to the order passed by the first respondent in Na.Ka.No.Kaa.Aa./C2PS.Se.Ma./2017. dated 03.02.2018 and quash the same and consequently directing the respondents to grant permission to the petitioner association for conducting the meeting, using mike and given the security for conducting the meeting on 20.01.2018 in front of TNSTC Head Quarters, No.12, Ramakrishna Salai, Salem - 7 by considering the petitioner's representation dated 07.02.2018 in accordance with law within a time frame.

For Petitioner
For Respondents

सत्यमेव जयते
: Mr.J.Franklin
: Mr.D.Raja,
Additional Government Pleader.

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ORDER

The petitioner's association, intending to conduct meeting addressing about the Welfare Schemes under the 13th pay commission on 09.01.2018, had sought for permission for a meeting to be conducted at Tamil Nadu State Transport Corporation Limited, Head Quarters, Salem situated at no.12, Ramakrishna Salai, Salem.

2. The first respondent by an order dated 03.02.2018 had rejected the petitioner's request on the ground that in view of the construction of bridge, there could be public disturbance. Challenging the said order dated 03.02.2018, the present writ petition has been filed.

3. Today, when the matter was called, the learned counsel for the petitioner by relying upon certain permission granted to similarly placed associations as that of the petitioner herein, submitted that the permission was granted to this association for the meeting to be held on 09.02.2018, at the same venue, where the petitioner herein is seeking for and therefore, the denial of permission to the petitioner's association would amount to denial of their fundamental rights.

4. It is needless to point out that so long as a group of persons intend to demonstrate peacefully for a cause, the respondent police are duty bound to extend protection and in case, they are of the opinion that it could cause public disturbance, it is always open to them to impose reasonable restrictions to regulate the same. The right to protest peaceful has been recognised as fundamental right and hence, there could be no justification on the part of the respondent to extend permission to similarly placed association of employees and deny permission to the petitioner herein at the same venue.

5. In view of the above observation, the impugned order passed by the first respondent in Na.Ka.No.Kaa.Aa./C2PS.Se.Ma./2017 dated 03.02.2018 is set aside. Consequently, the petitioner is granted liberty to approach the first respondent seeking for permission to conduct meeting in front of the Tamil Nadu State Transport Corporation Limited, Salem and on receipt of such representation, the first respondent shall consider the same favourably by granting permission. The petitioner's representation shall be considered by the first respondent on the same day and decision to be communicated to them. It is open to the first respondent to impose reasonable restrictions for the conduct of a peaceful meeting.

6. With the above observation, this Writ Petition is ordered. No costs.

Sd/-

Assistant Registrar (CS-ix)

//True Copy//

Sub Assistant Registrar

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To

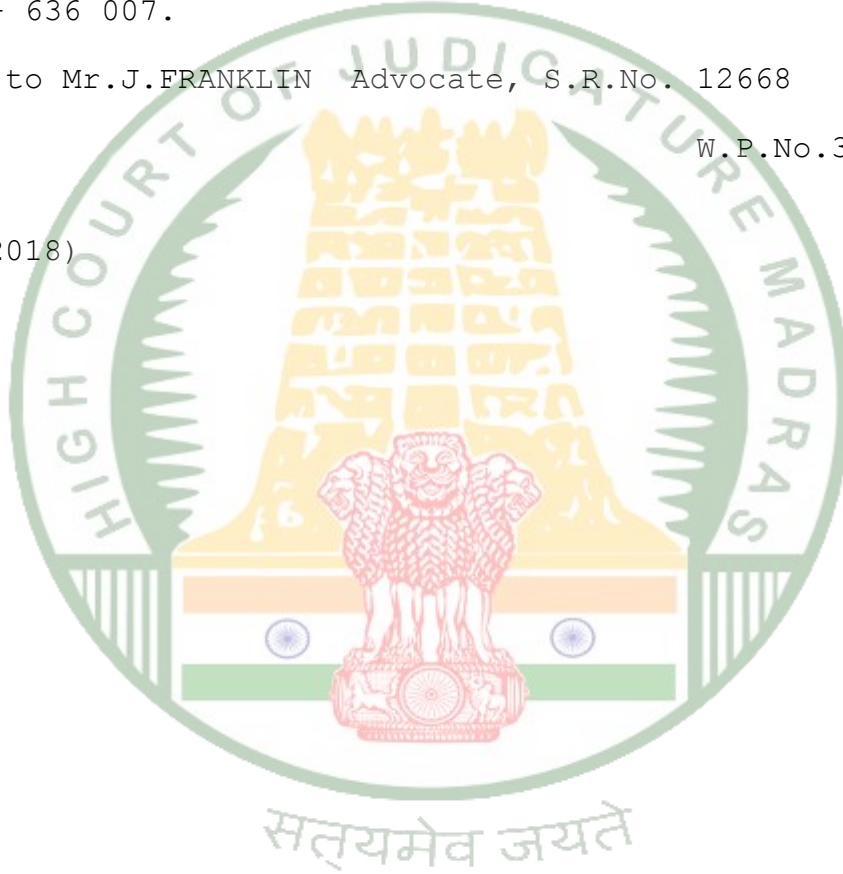
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+1cc to Mr.J.FRANKLIN Advocate, S.R.No. 12668

W.P.No.3057 of 2018

TR(21/02/2018)



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