

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.11071 of 2018

P.L.Sivakumar

... Petitioner

-Vs-

1. The Inspector of Police,
Anuparpalayam Police Station,
Thirupur City,
Thirupur.

2. The Commissioner of Police,
Thirupur City,
Thirupur.

...

Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to grant permission to hold, organize and conduct public meeting on 01.05.2018 (Tuesday), in Survey Nos:70B and 69, in Pandian Nagar, P.N.Road, Thirupur and to provide necessary protection and bundobast required for the meeting, based on the representation dated 17.04.2018.

For Petitioner : Mr.P.S.Raman
Senior Counsel
for Mr.N.Raja Senthoorpandian

For Respondents : Mr.D.Raja
Government Advocate

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O R D E R

This Writ Petition has been filed seeking a direction to the first respondent to grant permission to hold, organize and conduct public meeting on 01.05.2018 (Tuesday), in the open grounds comprised in Survey Nos:70B and 69, in Pandian Nagar, P.N.Road, Thirupur and to provide necessary protection and bundobast required for the meeting, based on the representation dated 17.04.2018.

2.It is seen that the petitioner belongs to Amma Makkal Munnetra Kazhagam and that he had given a representation dated 17.04.2018 to the second respondent seeking permission to conduct May Day meeting in his private land in Survey No.70B and 69 in Tirupur. The said representation has been rejected by the second respondent by the impugned order dated 23.04.2018 on the following grounds:

(a) Forty Thousand party men are likely to assemble there on account of which there may be traffic congestion.

(b) That there will be clash between the supporters of the petitioner's party and their rivals.

3.Challenging the said order, the present Writ Petition has been filed.

4. Heard Mr.P.S.Raman, learned Senior Counsel appearing for the petitioner and Mr.D.Raja, learned Government Advocate appearing for the respondents.

5. Mr.D.Raja, learned Government Advocate appearing for the respondents submits that some time may be given for filing counter affidavit.

6. Under normal circumstances, this Court would have acceded to his request. However, in this case the petitioner is conducting May Day meeting which has to be held on 01.05.2018 and not on any other day. Admittedly, May Day is a national holiday. The petitioner is seeking permission to conduct meeting and not a rally, in his private patta land and not in a public place.

7. Mr.P.S.Raman, learned Senior Counsel appearing for the petitioner also submitted that it is not the case of the petitioner that forty thousand people will assemble and the meeting would be held at such a large scale.

8. The said submission made by the learned Senior Counsel is placed on record.

9. In the opinion of this Court, in a democratic polity, there should be enough space for the opposition, lest the very basis of democracy should be in peril. Right to gather peacefully and conduct public meetings especially on a national holiday cannot be prevented on the aforesaid grounds. Hence, the impugned Order is set aside and the matter is remitted to the second respondent for passing appropriate orders before 30.04.2018 subject to reasonable restrictions and conditions.

10. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

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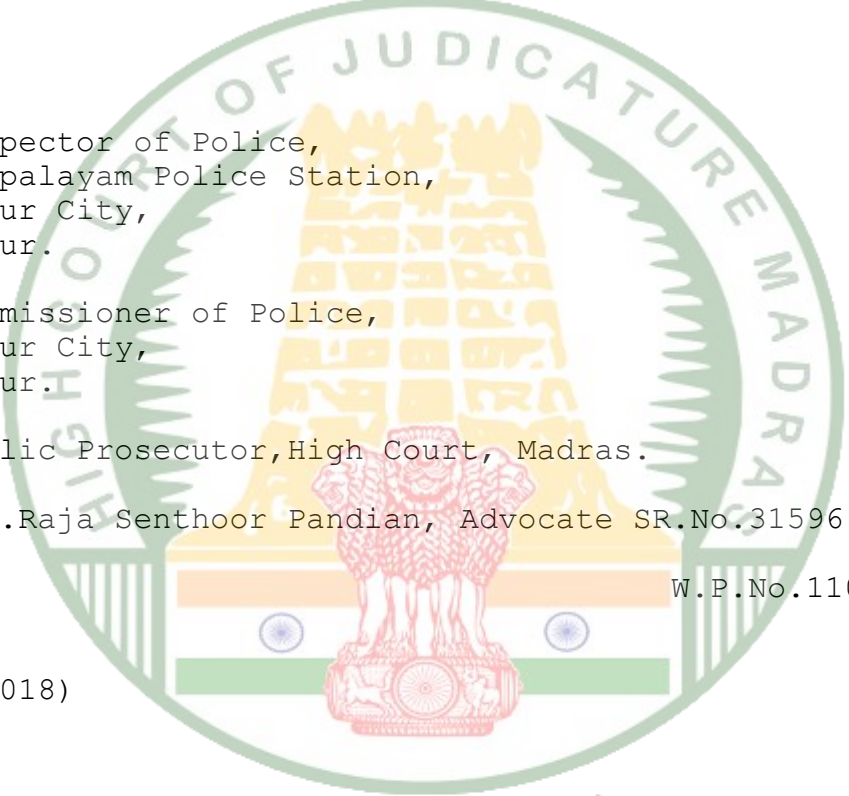
To

1. The Inspector of Police,
Anuparpalayam Police Station,
Thirupur City,
Thirupur.
2. The Commissioner of Police,
Thirupur City,
Thirupur.
3. The Public Prosecutor, High Court, Madras.

+2cc to Mr.Raja Senthoo Pandian, Advocate SR.No.31596

W.P.No.11071 of 2018

GN(27/04/2018)



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