

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.05.2018

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

WP.No.11768 of 2018

and

W.M.P.No.13738 of 2018

T.Ravi

.. Petitioner

Versus

1.The Deputy Commissioner of Police,
Sirkazhi Division,
Nagapattinam,
Nagapattinam District.

2.The Inspector of Police,
Sirkazhi Police Station, (Law & Order),
Nagapattinam District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus, by calling for the records relating to the impugned order in Proceedings No.Na.Ka.No.10/DIPS/2018 dated 27.04.2018 on the file of the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to grant permission to the petitioner to conduct Public Meeting on 08.05.2018 or any other subsequent dates at Thirumullai Vasal Kadai Veethi, Sirkazhi evening around 5.00 pm.

For Petitioner : Mr.Balan Haridass

for M/s.S.Jim Raj Milton

For Respondents : Mr.V.Kadhirvelu, Spl GP

ORDER

The petitioner herein sought permission to conduct a Public Meeting to voice their concern regarding Cauvery issue, but the same was rejected by the 1st respondent on 27.04.2018, citing the previous antecedents of the organization and promulgation, restrain order under Section 30(2) of the Police Act. This order is now impugned in this writ petition with an additional plea that since the date for which permission has sought had lapsed at least the 1st respondent shall consider granting permission to conduct the Public Meeting on 08.05.2018 or on any other subsequent date at Thirumullai Vasal Kadai Veethi,

Sirkazhi.

2. The learned counsel appearing for the petitioner herein would submit that there cannot be a total ban on conducting Public Meeting affecting the fundamental rights of the petitioner. However, he would submit that the petitioner is ready to subject himself to any reasonable restrictions, which may be imposed to protect the public peace. Further, few orders passed by this Court in similar circumstances, with reasonable restrictions were also cited by the learned counsel for the petitioner.

3. In the light of the above fact, the view of the learned Government Advocate was also obtained, who would submit that if a request is made with an undertaking that they will not exceed the meeting time beyond three hours and conclude it before 10.p.m and undertaking to, ensure free flow of traffic and such other conditions necessary for the Law Enforcing Agency, the request of the petitioner, will be considered positively.

4. In view of the above submission, this Court is inclined to issue a Mandamus to the 1st respondent to consider the application if any, submitted by the petitioner herein for conducting Public Meeting on 08.05.2018 at Thirumullai Vasal Kadai Veethi, Sirkazhi. If the authority is inclined to give permission, same may be with any reasonable restrictions which has been passed in a similar situation by the Assistant Commissioner, Tambaram Zone, in the case of Mr.C.Vetrivel Chezian, Coordinator, Makkal Adhikaram, vide order dated 26.04.2018.

5. The writ petition stands disposed of with the above observation. No costs.

Sd/-
Vacation Officer(CO)

//True Copy//

Sub Assistant Registrar

kak/sk

To

1.The Deputy Commissioner of Police,
Sirkazhi Division, Nagapattinam,
Nagapattinam District.

WEB COPY

2.The Inspector of Police,
Sirkazhi Police Station, (Law & Order),
Nagapattinam District.

+2cc to Mr.S.JAMRAJMILTON, Advocate, S.R.No. 33113

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MR(CO)
TR(04/05/2018)



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