

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.09.2018

CORAM

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.23010/2018 & WMP.Nos.26905&26906/2018

K.Kannan

..Petitioner

Versus

State rep by
The Assistant Commissioner of Police
Law and Order, Salem City [South] Circle
Salem District.

..Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the rejection order in Na.Ka.No.229/ACP/Salem District/2018 dated 16.07.2018 issued by the respondent, quash the same and direct the respondent to accord permission to the petitioner's organization to hold public meeting at Naattaanmai Building, Salem, at any future dated along with mike sets.

For Petitioner : Mr.P.B.Suresh Babu

For Respondent : Mrs.M.Prabhavathi, APP

ORDER

The above writ petition is filed to set aside the order passed by the respondent dated 16.07.2018 in Na.Ka.No.229/ACP/Salem District/2018 and to direct the respondent to accord permission to the petitioner's Organization to hold public meeting at Naattanmai Building at Salem, on 17.07.2018 or on any other future date along with mike sets.

2 The learned counsel for the petitioner would submit that the petitioner is the Coordinator of Thamizhdesa Makkal Munnai and in order to hold public meeting at Salem Naattanmai Building on 17.07.2018 between 11.00 a.m. and 12.00 Noon, the petitioner had submitted a representation dated 16.07.2018 before the respondent ; but the respondent has rejected the said representation by citing the reason that already Regulatory Order is in force and the learned counsel would further submit that even if the Regulatory Order is in force, the respondent/Commissioner has to pass orders after giving opportunity to the petitioner. But, without giving any opportunity, the respondent has simply rejected the

petitioner's representation and therefore, the learned counsel prays for a direction to the respondent to consider the petitioner's representation and to pass appropriate orders.

3 Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has submitted a representation stating that his Organization had decided to hold public meeting opposing the arrest pertaining to Hydrocarbon, Sterlite, Neduvasal, GAIL. She would further submit that since already the date fixed by the petitioner had expired, the petitioner may be directed to submit a fresh representation and on submission of such representation, the respondent will consider the same and pass appropriate orders.

4 Considering the aforesaid submissions, the petitioner is directed to submit a fresh representation to the respondent by fixing the date for holding the public meeting in advance and if any such representation is submitted, the respondent is directed to enquire and dispose of the same on merits and in accordance with law, after affording an opportunity of hearing to the petitioner.

5 With the above observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.
AP

Sd/-

Assistant Registrar(CS VIII)

// True Copy//

Sub Assistant Registrar

To

The Assistant Commissioner of Police
Law and Order, Salem City [South] Circle
Salem District.

+ 1 CC TO MR.P.B.SURESH BABU, ADVOCATE SR 64260.

KR/4/10/18

WP.No.23010/2018