

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.06.2018
C O R A M
THE HONOURABLE MR.JUSTICE T.RAJA
W.P.No.14491 of 2018

N.Selvaraj

.... Petitioner

Vs.

1.Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.Inspector of Police,
Mayiladuthurai Police Station,
Mayiladurthurai,
Nagapattinam District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to permit the petitioner to hold a public meeting on 17.06.2018 between 6.00 p.m to 10.00 pm near Vijaya Theatre in Mayiladuthurai Town, Nagapattinam District by considering the Petitioner's representation dated 11.06.2018.

For Petitioner : Mr.P.Wilson
Senior counsel
For M/s.J.Paranthamen

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader
[For R1 and R2]

O R D E R

This writ petition has been filed seeking writ of Mandamus, directing the first respondent to permit the petitioner to hold a public meeting on 17.06.2018 between 6.00 p.m and 10.00 pm near Vijaya Theatre in Mayiladuthurai Town, Nagapattinam District by considering the Petitioner's representation dated 11.06.2018.

2.The learned Senior Counsel appearing for the petitioner, who is the Town Secretary of Mayiladuthurai unit, stated that for the celebrations of the 95th birth anniversary of the opposition political leader and for distribution of welfare materials, a public meeting is proposed to be held near Vijaya Theatre on 17.06.2018 from 6 p.m. onwards. Since the Party's propaganda secretary has also consented to participate and distribute the welfare materials to the poor people, with abundant caution, the Town Secretary of the Mayiladuthurai unit submitted a representation to the Inspector of Police,

Mayiladuthurai Police Station/the second respondent on 11.06.2018 seeking permission along with a draft invitation and a copy of the same was also given to the Deputy Superintendent of Police, Mayiladuthurai, Nagapattinam District. But till date, the respondents have not considered the petitioner's representation. Hoping that the respondents would consider positively the reasonable request made by the petitioner, all arrangements are being made to hold the meeting on 17.06.2018 from 06.00 pm to 10.00 pm at Vijaya Theatre, Mayiladuthurai Town.

3. The learned senior counsel for the petitioner further submitted that the petitioner is also prepared to give an undertaking that there would not be any disturbance or inconvenience to the public and they would also ensure that there would not be any law and order problem due to the meeting to be held on 17.06.2018 from 06.00 pm to 10.00 pm at Vijaya Theatre, Mayiladuthurai Town. Therefore, the respondents need not have any hesitation to accept the request of the petitioner.

4. Mr. V. Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents submitted that since the Hon'ble Chief Minister is also visiting the same place on 18.06.2018 to address a public meeting at 5.00 pm at Chinnakadai Theru, Mayiladuthurai for securing victory/rights of the people of the State to the benefit of Cauvery Water, the respondents are unable to accept the request of the petitioner to allow them to have a public meeting, one day before on 17.06.2018. The reason being, if the petitioner is also permitted to hold their public meeting to celebrate his party leader's 95th birthday anniversary and the distribution of welfare materials, they will be erecting flag posts and flex boards all over the street well in advance. Similarly, the meeting going to be presided over by the Hon'ble Chief Minister is also going to be held with all flag posts and flex boards and that would cause some problem. Therefore only, with abundant caution, the respondents 1 and 2 are unable to grant any permission. If the petitioner comes forward to change the venue of the meeting to any other place, the respondents would be accepting his prayer.

5. However, after the matter was passed over, the learned Special Government Pleader appearing for the respondents, taking instructions from the 1st respondent, submitted that if the petitioner approaches the 1st respondent with two places for holding meeting and the change of time, instead of 6.00 pm to 10.00 pm, the respondents 1 and 2 would be able to finalise the same with certain reasonable conditions.

6. Heard both parties.

7. The petitioner seeks permission to hold a public meeting to celebrate the 95th birth anniversary of the opposition

political leader along with distribution of welfare materials near Vijaya Theatre, on 17.06.2018 at 06.00 pm to 10.00 pm. However, the Hon'ble Chief Minister is also visiting Mayiladuthurai on 18.06.2018 in connection with a public meeting organised in Chinnakadai Theru at 5.00 pm., for securing victory/rights of the people of the State to the benefit of Cauvery Water. Secondly, it is informed that Vijaya Theatre in Myladathurai Town, is 0.5 km away from the place where the Hon'ble Chief Minister is going to address (i.e.,) Chinnakadai Theru.

8.It is represented by Mr.P.Wilson, learned senior counsel for the petitioner that to avoid any problem, the petitioner is even prepared to have the meeting 5 km away from the Chinnakadai Theru, Mayiladuthurai, in the place called Koorainadu kadai veethi, which is 5 km away from the Chinnakadai Theru, Mayiladuthurai.

9. Considering the said submission, since both the meetings are going to be conducted at two different places on two different dates, there can be no objection for granting permission to the petitioner to have the public meeting on 17.06.2018 at Koorainadu kadai veedhi. Hence, the respondents are directed to permit the petitioner to hold the public meeting at the above place, which is 5 km away from the place where the Hon'ble Chief Minister is to address the meeting on the next day, with reasonable conditions. In any event, the petitioner shall ensure that there would not be any disturbance or inconvenience to the public and they would also ensure that there would not be any law and order problem due to the meeting and see that the meeting is concluded before 9.00 pm. However, if the first respondent is of the view that the place chosen by the petitioner is coming under the restricted/prohibited areas, then both the petitioner and first respondent can select any other common place, which is not going to cause any inconvenience to the public.

10.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

maya

To

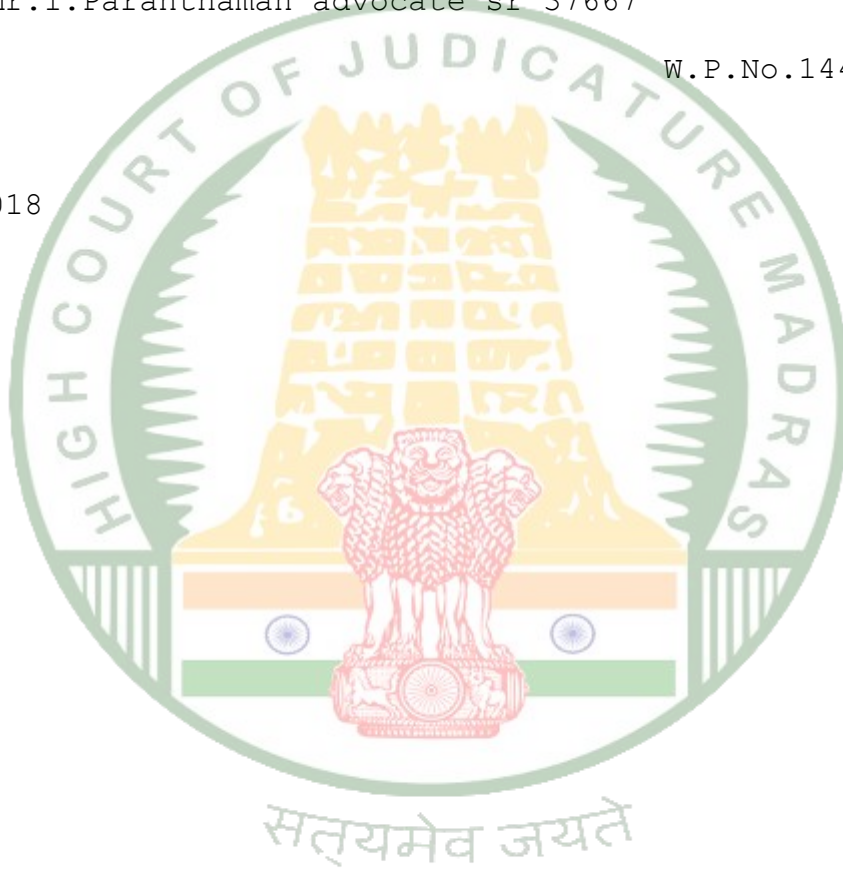
1. Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2. Inspector of Police,
Mayiladuthurai Police Station,
Mayiladurthurai,
Nagapattinam District.

+1 cc to Mr.I.Paranthaman advocate sr 37667

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