

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.10.2018

PRONOUNCED ON : 11.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

W.P.No.25508 of 2018
and W.M.P.No.29674 of 2018

Jayaraman

.... Petitioner

Vs.

1.The State rep by
The Superintendent of Police
Nagappattinam
Nagappattinam District.

2.The Deputy Superintendent of Police
Mayiladuthurai
Nagappattinam District.

3.The State rep by
The Inspector of Police
Mayiladuthurai Police Station
Nagappattinam
Nagappattinam District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order in Na.Ka.No.603/SDOM-V/2018 dated 19.09.2018 passed by the 2nd respondent and quash the same, consequently direct the respondent to grant permission to conduct the conference in order to urge the Central and State Governments to ensure the protection of Natural resources, Mines and Minerals of Tamil Nadu from 9 a.m. to 08 p.m., on 14.10.2018 at the venue of A.V.C.Marriage Hall, Thiruvizhandur, Mayiladuthurai, Nagapattinam District.

For Petitioner : Mr.D.Arun

For Respondents: Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

Challenging the order dated 19.09.2018 refusing permission to the petitioner to conduct a hall meeting on 23.09.2018, this writ of certiorarified mandamus has been filed.

2. When the matter was taken up for admission on 01.10.2018, this Court perused the impugned order and was inclined to order notice to the respondents, since the prayer is for a certiorarified mandamus, where, in the opinion of this Court, an opportunity should be given to the respondents to justify the impugned order. However, the learned counsel for the petitioner insisted that this Court should hear him and pass orders before 14.10.2018, since the petitioner has fixed a public meeting at a marriage hall on that date.

3. The learned counsel for the petitioner failed to see the reason that the respondents are not from Chennai District, but are from Nagapattinam District, which is far away. That apart, a writ of certiorari cannot be issued in a hurry without hearing the authorities. Of course, on 01.10.2019, this Court, quashed an order in W.P.No.25769 of 2018 passed by the Coimbatore police, similar to the order impugned herein, which denied permission to the petitioner therein to hold a public meeting on Gandhi Jayanthi. In that case, overwhelming materials were placed by the petitioner therein to show that the ruling party was permitted to hold a public meeting on a working day, but, the opposition was denied permission to hold a public meeting on Gandhi Jayanthi, on the ground that there would be traffic snarl. This Court is not able to apply those parameters to this case, because, in this case, the impugned order states that there are 24 previous cases against the petitioner. The second respondent has also averred in the impugned order that if permission is granted to conduct the meeting, there is a likelihood of a clash occurring with the rival group.

4. The learned counsel for the petitioner relied upon the following judgments in support of his contention:

(1) C.J.Rajan vs. Deputy Superintendent of Police,
Mayiladuthurai and another [(2008) 3 MLJ 926]

(2) Dr.Ambedkar Mandram, Thiruchuli, rep. by its President,
M.Murugan vs. The Superintendent of Police,

Virudhunagar District [2015 (6) CTC 117]

(3) The Home Secretary, Government of Tamil Nadu and others
vs. Era.Selvam [MANU/TN/0450/2013]

(4) E.Deivamani vs. The State, rep. by the Commissioner of
Police, Chennai City Police [W.P.No.32850 of 2014 dated
12.12.2014]

5. It is true that the State cannot stifle the voice of its citizens however jarring it may be to ears. However, in **State of Karnataka and another vs. Dr. Praveen Bhai Thogadia [(2004) 4 SCC 684]**, the Supreme Court has held that Court should not interfere in the decision making process of the police in matters relating to law and order problems and that it should be best left at the hands of the Executive to take decisions on merits on a case-to-case basis.

6. Coming to the submission of the counsel that the petitioner has fixed a meeting on 14.10.2018 and hence, this Court should pass orders before that, this submission cannot hold water, because, if the authorities refuse permission, it will give a fresh cause of action for the petitioner to challenge that *de hors* this order.

In such view of the matter, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police
Nagappattinam
Nagappattinam District.

2.The Deputy Superintendent of Police
Mayiladuthurai
Nagappattinam District.

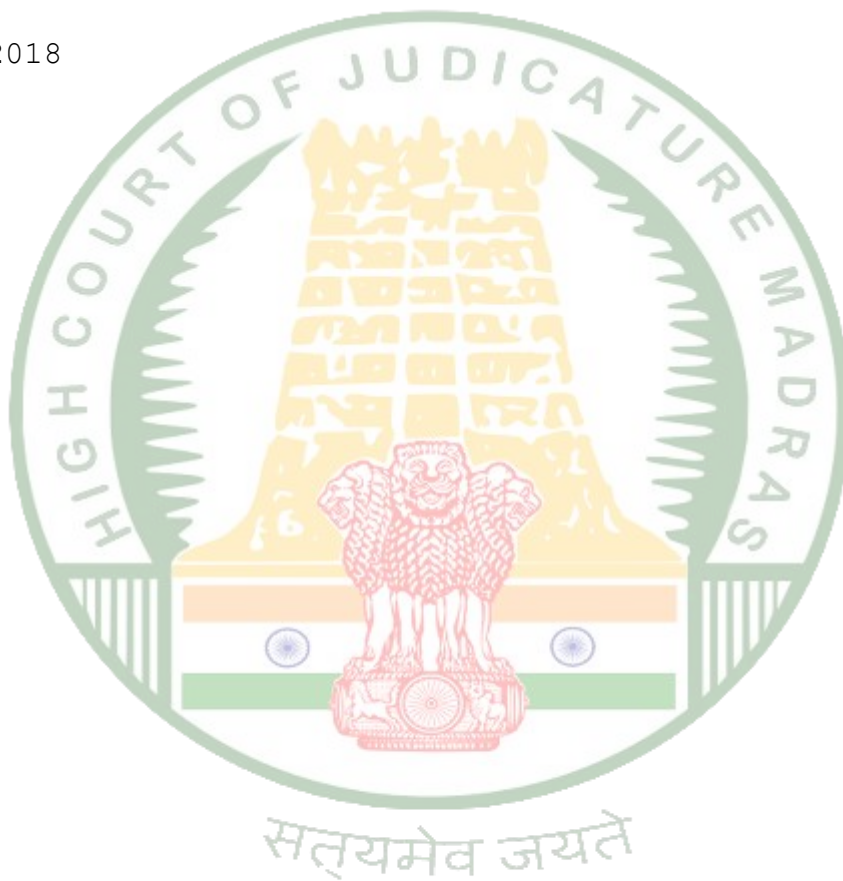
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3.The Inspector of Police
Mayiladuthurai Police Station
Nagappattinam
Nagappattinam District.

+1 cc to Mr.D.Arun Advocate sr 67916

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