

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.10.2018

CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25762 of 2018
and
W.M.P.Nos.29969 and 30472 of 2018

Dravida Munnetra Kazhagam
rep.by its Organization Secretary
R.S.Bharathi
DMK Head Quarters,
Anna Arivalayam,
367 & 369, Anna Salai
Chennai- 600 018.

... Petitioner

Vs.

1.Government of Tamil Nadu
rep.by the Home Secretary,
Secretariat,
Chennai - 9.

2.Director General of Police,
Tamil Nadu Police Head Quarters,
Kamarajar Salai,
Mylapore, Chennai - 600 004.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the decision of denial of permission to hold public meetings by the petitioner party, taken by the officials discharging the duties under the control of the respondents as illegal and for consequential direction, directing the respondents to instruct its subordinate officials to permit the petitioner Party to conduct public meeting as scheduled on 03.10.2018 and 04.10.2018 in the respective places as per the notification issued by the Head Quarters of the petitioner Party with adequate police protection.

For Petitioner : Mr.P.Wilson, SC for
Mr.R.Girirajan

For Respondents : Mr.Vijay Narayan, AG
assisted by Mr.E.Balamurugan, SGP

ORDER

The issue involved herein is with regard to seeking permission for conducting public meetings scheduled to be held on 03.10.2018 and 04.10.2018 in the respective places as per the notification issued by the Head quarters of the petitioner party, with adequate police protection.

2.Mr.P.Wilson, learned Senior Counsel for the petitioner submitted that the propaganda Secretaries of the petitioner party issued a notification on 23.09.2018 requesting the party's District Secretaries to conduct public meetings. Pursuant to the same, the respective District and Town Secretaries have given representations to the police officials concerned requesting to grant permission to conduct the public meetings. However, with an ulterior motive, the said representations were rejected as per the direction of the respondents. Hence, this writ petition.

3.On 03.10.2018, when the matter was taken for consideration, Mr.Vijay Narayan, learned Advocate General, assisted by Mr.E.Balamurugan, learned Special Government Pleader taking notice for the respondents, on instructions, submitted that out of 126 applications, 103 applications were considered and permission was granted, on verification of the undertaking affidavits filed by the respective parties to the effect that they would abide by all the conditions stipulated therein and the remaining 23 applications were rejected giving cogent reasons and hence, there is no motive for the same, as alleged by the petitioner. However, the learned Advocate General sought time for getting further instructions in this regard.

4.Accordingly, today, when the matter came up for hearing, the learned Advocate General, on instructions, submitted that out of 23, 6 applications were rejected on the ground that the places at which the meetings are scheduled to be conducted, are unapproved places and 17 applications were rejected on the ground that though the places at which the meetings are scheduled to be conducted, are approved places, the date on which, the meetings are scheduled to be held, was over and hence, those applications were rejected.

5.The aforesaid submission has been stoutly refuted by the learned Senior Counsel appearing for the petitioner. According to him, as regards the ground on which 6 applications were rejected, in those places, already meetings were conducted after obtaining necessary permission and hence, it cannot be said that those places are unapproved places. The learned Senior Counsel further submitted that the petitioner party is ready and willing to submit fresh applications enclosing necessary documents with regard to the place at which and the date on which, the meetings are scheduled to be conducted, which has been agreed by the

learned Advocate General appearing for the respondents.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the parties, this Court, in the interest of justice, directs the petitioner party to submit fresh applications enclosing necessary documents with regard to the place at which and the date on which, the meetings are scheduled to be conducted, within two days from the date of receipt of a copy of this order. On such submission, the respondent authorities shall consider the same and grant permission forthwith and communicate the same to the applicants immediately.

7.The writ petition stands disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.Government of Tamil Nadu
rep.by the Home Secretary,
Secretariat,
Chennai - 9.

2.Director General of Police,
Tamil Nadu Police Head Quarters,
Kamarajar Salai,
Mylapore, Chennai - 600 004.

+1cc to Mr.Neelakandan, Advocate, S.R.No.68896

सत्यमेव जयते

W.P.No.25762 of 2018

rrs 08/10/2018

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