

INTHE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27445 of 2018

and

WMP No.31951 of 2018

K.G.Vengai Verran, 45 years,
S/o.Gopal,
Elampuligal Wing Secretary West Zone,
Erode Parliamentary Constituency Secretary,
No.110, Kuttai Medu, Olakadam (Post),
Bhavani (Taluk), Erode (District).

....Petitioner

.Vs.

1.The Deputy Superintendent of Police,
Bhavani,
Bhavani Taluk, Erode District.

2.The Inspector of Police,
Anthiyur Police Station,
Anthiyur Circle,
Bhavani Taluk, Erode District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,for issuance of a Writ of Certiorarified Mandamus directing the respondents to call for the records Na.Ka.50/Mike/D3PS/2018 Dated 27.09.2018 on the file of second respondent herein and quash the same as illegal and directing the respondents to hold public meeting on 14.10.2018 Theradi thidal at Anthiyur or any other feature dated to secure ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.M.Mohamed Riyaz
Add. Public Prosecutor

ORDER

This writ petition has been filed seeking to challenge the order passed by the 2nd respondent dated 27.09.2018, rejecting

the application made by the petitioner to conduct public meeting which was scheduled to be held on 14.10.2018.

2.The learned counsel for the petitioner would submit that the impugned order has been passed by the 2nd respondent by giving general reasons without there being any valid ground to deny the permission sought for by the petitioner to conduct the public meeting. The learned counsel would further submit that every time when the permission is sought for by the petitioner, the same is denied by giving some general reasons, and therefore, the petitioner is not in a position to conduct the public meeting in order to voice their grievance.

3.The learned Additional Public Prosecutor on instructions would submit that the petitioner can be directed to give a fresh representation to the 2nd respondent by fixing the venue as well as the

time at which the meeting is planned to be held. The 2nd respondent will consider the same in accordance with law and pass appropriate orders.

4.It is more than settled that the respondent Police cannot deny permission for conducting a public meeting by generally quoting law and order as a reason. Similarly, the respondent Police cannot deny permission for conducting the public meeting by citing traffic problems or other regulatory orders passed under the relevant Police Act. The respondent Police in any given case, when they want to refuse permission for conducting the public meeting, has to come out with valid reasons which must have the effect of affecting the public order or will create undue hardship to the public. Else, mechanical denial of permission to conduct public meeting will violate the fundamental right of freedom of speech and expression. It will always be open to the 2nd respondent to impose reasonable conditions to ensure that the public meeting is conducted in a peaceful manner without giving rise to any unnecessary law and order problem. The petitioner is also bound to comply with the conditions imposed by the 2nd respondent.

5. The Writ Petition is disposed of with the direction to the petitioner to give a fresh representation to the 2nd respondent by indicating the venue and time of the public meeting, and the 2nd respondent shall consider the same and grant permission by imposing reasonable conditions.

6. Accordingly, the writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KP

To

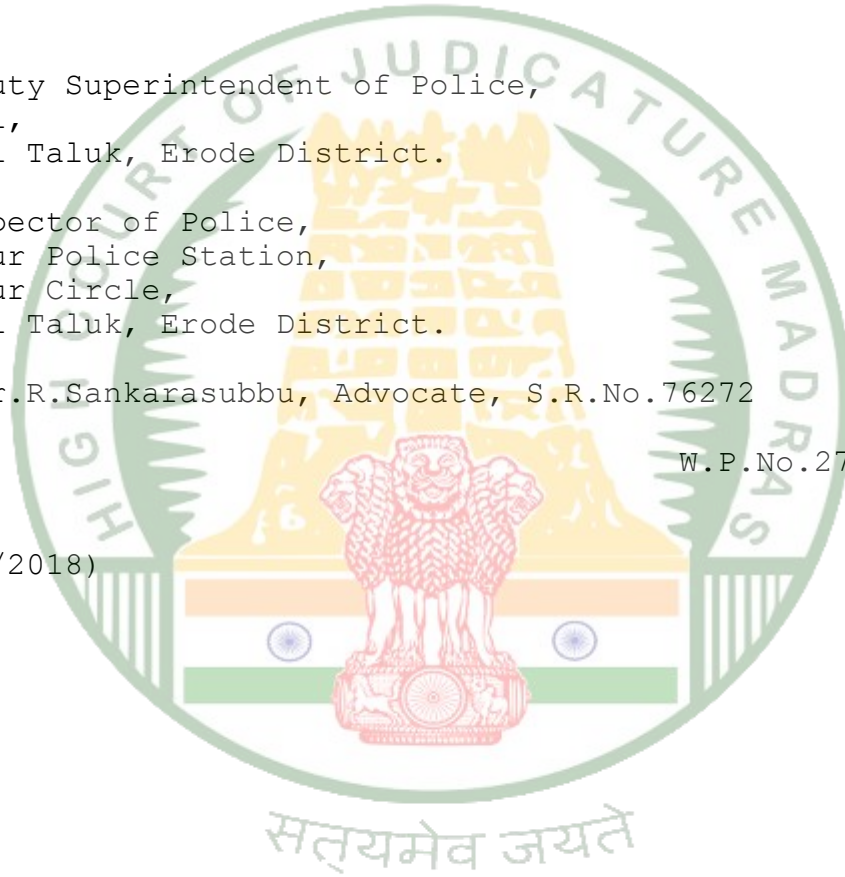
1. The Deputy Superintendent of Police,
Bhavani,
Bhavani Taluk, Erode District.

2. The Inspector of Police,
Anthiyur Police Station,
Anthiyur Circle,
Bhavani Taluk, Erode District.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.76272

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MG(CO)
GSP(28/11/2018)



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