

35IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.30122 of 2018

N.Thangavelu
S/o.Nachimuthu

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Coimbatore City, Coimbatore.

2.The Assistant Commissioner of Police,
Coimbatore City (Central)
Office of the Assistant Commissioner of Police,
Coimbatore City, Coimbatore.

3.The Inspector of Police,
Law and Order,
B3-Variety hall Road Police Station,
Coimbatore City, Coimbatore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue, Writ of Certiorarified Mandamus, calling for the records of the first respondent culminating in his impugned proceedings bearing Na.Ka.No.1077/Ah/Ka.Thu.Aha/Sa.O/Ko.Ma/2018 dated 15.10.2018, quash the same and directing the respondent to grant permission to hold, organize and conduct public meeting on 16.11.2018 or 17.11.2018 or 18.11.2018 between 5.00pm, to 10.00pm at Corporation ground, MNG street, Coimbatore and also to provide necessary protection and bundobast for the meeting and permission to install banners and loudspeakers required for the meeting, based on my representation dated 03.11.2018.

For Petitioner : Mr.N.Raja Senthoo Pandian

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed challenging the order of the first respondent rejecting the request made by the petitioner to organize and conduct a public meeting at Corporation ground, MNG Street, Coimbatore.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner is a District Secretary of Amma Makkal Munnetra Kazhagam (AMMK), Ukkadam, Coimbatore District. The petitioner wanted to hold a public meeting at the Corporation ground to commemorate the 110th birth centenary of the former Chief Minister of Tamil Nadu, late C.N.Annadurai. Therefore, a representation was made to the first respondent and the first respondent by an order dated 15.10.2018, rejected the permission on the ground that there is a chance of law and order problem. This order has been put to challenge before this Court in the present writ petition.

4.The learned Additional Public Prosecutor would submit that, the date that was fixed for holding a meeting is already over and therefore, the petitioner may be directed to give a fresh representation by indicating the venue, date and time for conducting a public meeting and the same will be considered by the first respondent in accordance with law.

5.The impugned order passed by the first respondent is un-sustainable in law. The first respondent has rejected the permission on a mere apprehension of law and order problem without there being any materials to substantiate the same. Therefore, the order of the first respondent is liable to be set aside. Accordingly, the impugned order passed by the first respondent is set aside.

6.The petitioner is directed to give a fresh representation to the first respondent by indicating the venue, date and time when the public meeting is planned to be organized by the petitioner. The petitioner shall also undertake in the representation that the meeting will be conducted in a peaceful manner without indulging in any activities that may result in a law and order problem. The petitioner shall further undertake that any reasonable condition that may be imposed by the first respondent will be complied with by the petitioner. The first respondent on receipt of the representation, shall grant necessary permission to conduct the Public meeting to commemorate the 110th birth centenary of the former Chief Minister of Tamil Nadu, late C.N.Annadurai, to the petitioner, by imposing necessary conditions and the petitioner is bound to comply with the same.

7.The Writ Petition is allowed to the extent indicated above and with the above directions. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Coimbatore City, Coimbatore.
- 2.The Assistant Commissioner of Police,
Coimbatore City (Central)
Office of the Assistant Commissioner of Police,
Coimbatore City, Coimbatore.
- 3.The Inspector of Police,
Law and Order,
B3-Varietyhall Road Police Station,
Coimbatore City, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.N. Raja Senthoo, Advocate SR.78548

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(CS-DR)
EU (20/11/2018)

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