

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. No.31008 of 2018

T.Velmurugan

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Thiyagaraya Nagar Circle,
T. Nagar, Chennai - 600 017.

2.The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai - 600 017.

.... Respondents

PRAYER: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records of the first respondent in Na.Ka.No./U.Aa/T.Nagar, Public Meeting/2018 - dated 16.11.2018 and quash the same as illegal and consequently direct the respondents to grant permission to the petitioner to conduct a Public meeting on 27.11.2018 during 03.00 p.m. to 09.00 p.m at nearby T.Nagar Bus Stand, Muthurangan Road, T.Nagar.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.M.Mohammed Riyaz,
Addl. Public Prosecutor.

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 16.11.2018, wherein the permission sought for by the petitioner to conduct the public meeting on 27.11.2018 was rejected by the first respondent.

2. The learned counsel for the petitioner would submit that the petitioner had floated a new political party viz., "Thamizhaga Vazhurimai Katchi" and the petitioner is the founder of the said party. The petitioner wanted to conduct a public meeting with the title "Maveerar Naal". According to the petitioner, even in the year 2017, it was conducted by the petitioner calling for a public meeting.

3. This year, the petitioner wanted to conduct the same meeting in Chennai and therefore, the petitioner gave a representation to the first respondent, seeking for permission and police protection and the same has been rejected by the

first respondent and consequently, the Writ Petition has been filed.

4. The learned Additional Public Prosecutor representing the respondent police would submit that the permission was rejected by the first respondent mainly on the ground that the petitioner in the guise of conducting the public meeting will speak about a banned organisation viz., LTTE and the same will unnecessarily give raise to a law and order problem. The learned Additional Public Prosecutor also submitted that the petitioner will also speak about the Sterlite incident, which has already become a very sensitive issue and already a commission is enquiring into the violent incident that happened during the agitation. The learned Additional Public Prosecutor also submitted that in view of these apprehensions, the first respondent had rejected the permission and according to the learned counsel, ultimately the respondent will have to take into account the existing circumstances and ensure that an unnecessary law and order problem is not created by virtue of conducting the public meeting. The discretion to decide the same, is always vested with the police and the same also has been recognised by the various judgments of this Court and the Hon'ble Supreme Court.

5. This Court has carefully considered the submissions made on either side. The representation was given by the petitioner on 11.11.2018 with the first respondent. The petitioner has not stated the purpose of the meeting. Therefore, the first respondent had to necessarily express the apprehensions in the impugned order. Now, in the affidavit filed in support of the Writ Petition as well as the submissions made by the learned counsel for the petitioner, it is made clear that this public meeting is conducted only to condole the death of innocent Tamils and various leaders who have laid down their lives. That is the reason why, it has been named as "Maveerar Naal" by the petitioner. It was made clear that there was no intention on the part of the petitioner to speak about any banned organisation or to speak about the Sterlite incident in the public meeting.

6. In view of the specific stand taken by the petitioner, the apprehensions raised by the first respondent is answered.

7. In the facts and circumstances of the case, the petitioner is directed to give a written undertaking before the first respondent to the effect that in the public meeting that is to be held on 27.11.2018, no one will address regarding any banned organisations or regarding the Sterlite incident and the meeting will confine itself only to speak about the innocent Tamils and Various Leaders behind them, who have sacrificed their lives.

8. On such undertaking being given by the petitioner, the first respondent shall grant permission and police protection to the public meeting to be conducted on 27.11.2018 between 6.00

p.m to 9.00 p.m by the petitioner. The petitioner shall restrict the total number of participants to 300. This condition is imposed in view of the fact that the meeting is going to be held on a working day and the venue that has been chosen is a very busy place with lot of people accessing the said place in order to reach the Bus stand and Railway Station.

9. It is left open to the first respondent, who impose any reasonable conditions for conducting the public meeting, in order to ensure that no law and order problem is created and the petitioner is bound to comply with the said conditions.

10. In view of the above, this Writ Petition is allowed and the impugned order passed by the first respondent dated 16.11.2018 is set aside. The directions given by this Court shall be strictly complied with. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rkp

To

1.The Assistant Commissioner of Police,
Thiyagaraya Nagar Circle,
T. Nagar, Chennai - 600 017.

2.The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai - 600 017.

3.The Public Prosecutor,
Madras High Court,
Madras.

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W.P. No.31008 of 2018

rrs 26/11/2018

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