

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31518 of 2018

Govindaraj.K

Trustee,

Chitlapakkam Rising Charitable Trust,

No.13, Anna Street,

Chitlapakkam,

Chennai-64.

.. Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai.

2. The Inspector of Police,
C-12, Chitlapakkam Police Station,
Chitlapakkam, Chennai.

3. The Executive Officer,
Chitlapakkam Town Panchayat,
Chennai - 64.

.. Respondents

(R3 suo-moto impleaded vide Court order dated
30.11.2018 made in W.P.No.31518 of 2018).

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the respondents to immediately provide with the
permission to conduct the street corner meeting/protest in the
area designated for regular protest in Chitlapakkam, near
Varadharaja Theatre Junction on 02.12.2018 from 04.00 p.m. to
6.00 p.m. and dispose the petitioner's representation dated
16.11.2018 expeditiously.

For Petitioner : Mr.N.Sivakumar

For Respondents : Mr.S.R.Rajagopal, AAG
Assisted by Mr.E.Balamurugan
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to immediately provide permission to conduct the street corner meeting/protest in the area designated for regular protest in Chitlapakkam, near Varadharaja Theatre Junction on 02.12.2018 from 04.00 p.m. to 6.00 p.m., by considering the petitioner's representation dated 16.11.2018 expeditiously.

2. Heard Mr.N.Sivakumar, learned counsel appearing for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing for the respondents.

3. In response to the petitioner's application dated 06.12.2018, the first respondent has issued a letter No.1708/S.B.II/2018 dated 10.12.2018. The said letter states that the application was duly considered and permission was granted to the applicant/the petitioner herein to stage a demonstration on 16.12.2018 at 4.00 p.m. (1600 hrs.) near Varadharaja Theatre, Chitlapakkam. The place to be fixed by the Assistant Commissioner, Selaiyur Range, without causing hindrance to the free flow of traffic, inconvenience to the movement of general public on sixteen conditions set out therein. The permission is also granted only for an hour.

4. The grievance of the petitioner is that normally the respondents would grant permission for three hours, but, here it is given only for an hour. Even it will be difficult for the people to assemble and disburse within one hour. Therefore, time granted for an hour is enlarged by two hours. i.e. 16.00 hrs. to 18.00 hrs.

5. So far as the usage of Public Address System is concerned, there is absolute ban in the said conditions. The respondents are directed to consider the same and permit the organizers to use the same within the permissible decibels and relax the conditions accordingly. The petitioner is also directed to abide by the rest of the conditions in their true letter and spirit and not to cause any public nuisance.

6. The demonstration itself is organized for sustaining transparency and accountability in the local body and for the welfare of the Chitlapakkam residents and save the water body in the locality. It is relevant to mention that instead of focusing on the conditions to be followed in the demonstration/agitation, it will be appreciable, if the authorities could look into the actual grievance of the petitioner, for which they want public demonstration.

7. In the light of the above, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai.
2. The Inspector of Police,
C-12, Chitlapakkam Police Station,
Chitlapakkam, Chennai.
3. The Executive Officer,
Chitlapakkam Town Panchayat,
Chennai - 64.

+1 cc to The Government Pleader, SR.No.86719
+1 cc to Mr.N.Sivakumar, Advocate SR.No.85948

W.P.No.31518 of 2018

RJI (CO)
CSL/08.01.2019

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