



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**  
**and**  
**THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P(MD)No.1000 of 2018

G.Vairavan

.. Petitioner

Vs.

1. The Superintendent of Police,  
Madurai District, Madurai.

2. The Deputy Superintendent of Police,  
Thirumangalam Police Station,  
Madurai District.

3. The Inspector of Police,  
Thirumangalam Police Station,  
Madurai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the impugned order of the third respondent, dated 15.01.2018 and set aside the same as illegal and consequently grant police permission and protection to the public meeting to march the 101 Birth Anniversary of Late.Chief Minister Dr.M.G.Ramachandran, Bharat Ratna, at Thevar Thidal, Thirumangalam, Madurai District.

[Prayer is amended, vide order, dated 22.01.2018, made in W.M.P (MD)No.1197 of 2018].

|                 |                                                         |
|-----------------|---------------------------------------------------------|
| For Petitioner  | : Mr.M.Jegadeeshpandian                                 |
| For Respondents | : Mr.A.K.Baskarapandian,<br>Special Government Pleader. |

**ORDER**

[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

By consent, this writ petition is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>  
2. Mr.A.K.Baskarapandian. learned Special Government Pleader, appears on behalf of the respondents.



3.The petitioner claims to be a former Council Member of Thirumangalam Municipality, Madurai District and also a Town Secretary of Thirumangalam A.I.A.D.M.K. Party of rival faction. The petitioner would further aver that on account of 101<sup>st</sup> Birth Anniversary of Late Chief Minister Dr.M.G.Ramachandran, who was the Founder of All India Anna Dravida Munnetra Kalagam [A.I.A.D.M.K.], announcements have been made to organise public meetings all over the State. Accordingly, a date was fixed on 21.01.2018 to conduct a public meeting at Thevar Thidal, Thirumangalam, Madurai District and according to the petitioner, the said place has been earmarked by the office of the Superintendent of Police, Madurai District to organise meeting, protest, etc. The petitioner, in this regard, submitted an application/representation, dated 11.01.2018, to the third respondent, praying for necessary permission to organise and conduct a meeting on 21.01.2018 and it was followed by yet another representation, sent through registered post, on 12.01.2018. The petitioner would further aver that repeatedly, he was approaching the third respondent to know about the fate of his application/representation and he came to know that his application was orally rejected at the last moment and therefore, he came forward to file this writ petition, praying for appropriate direction, directing the respondents 2 and 3 to accord necessary police permission and protection to organise public meeting on 21.01.2018, between 05.00 p.m. and 10.00 p.m., based on his representation/application, dated 12.01.2018.

4.The writ petition was listed for hearing, on 18.01.2018, and on that day, the third respondent was present before this Court and the learned Special Government Pleader, appearing for the respondents, produced an order of the third respondent, dated 15.01.2018, wherein it is stated among other things that on account of the Pongal festival bandobust to be arranged in all places, especially to the area, where there is communal clash existed and in the absence of enough police personnel, the permission cannot be granted and also the order of the third respondent, dated 19.01.2018, wherein it is stated among other things that in the event of conducting public meeting, it may cause traffic jam as well as hindrance to public and hence, three alternate places, namely, (i)Near Rajaji Statue (ii)South Street, Near Gandhi Statue and (iii)Near the place of Twin Pipe at Rajaji Street, have been suggested and in the event of the petitioner identifying any one of the three places, by submitting an application, it would be considered and appropriate permission, will be granted, to conduct a public meeting.

5.In response to the same, the learned counsel appearing for the petitioner would submit that he is ready to submit an application, to conduct a public meeting near the Rajaji Statue, on 27.01.2018, and also submit the application by 23.01.2018,



before the third respondent and the third respondent may be directed to process the application immediately and accord necessary permission to hold such a meeting, on the said date.

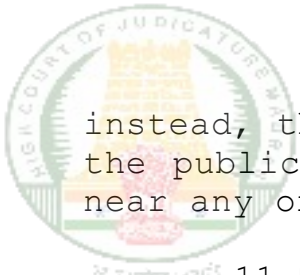
6. This Court has considered the rival submissions and perused the materials placed before it.

7. Article 19(1)(b) guarantees the citizen to assemble peacefully and without arms and it is the settled position of law that it is always subject to reasonable restrictions. [See: **AIR 2007 SC 2688 (Haridas v. Usha Rani Banik)**].

8. It is the stand of the third respondent, vide his communication, dated 19.01.2018, addressed to the petitioner, that in the event of the permission being given in the place, in which the petitioner originally sought permission to conduct a public meeting, it would definitely cause traffic bottle-neck as well as inconvenience to user public.

9. The learned Special Government Pleader, appearing for the respondents has also brought to the knowledge of this Court, the communication, dated 27.07.2017, received from the learned Subordinates Judge, Thirumangalam, wherein it was brought to his knowledge that often meetings are conducted in front of the Sub Court premises, Thirumangalam, during Court working days and due to use of mike set and amplifiers, the Court work is disturbed and therefore, instructed the Inspector of Police, Thirumangalam Town Police Station, not to grant any permission to use mike set and amplifier within 150 metres from the Sub Court Hall, Thirumangalam, with a further direction that the said official shall also ensure that no one is causing disturbance to the Court work by use of mike set and amplifiers. It is the further submission of the learned Special Government Pleader, on instructions, that after the third respondent has taken charge about four months back, no permission whatsoever has been accorded to conduct public meeting at Thevar Thidal, Thirumangalam and however, the said fact is refuted by the learned counsel appearing for the petitioner and he would submit that recently, the Hon'ble Ministers had also participated in series of public meetings in commemoration of 101<sup>st</sup> Birth Anniversary of late Chief Minister Dr.M.G.Ramachandran and only on account of the fact that the petitioner belonging to rival faction, such a right to hold the public meeting, has been unjustly denied.

10. This Court, taking into consideration the aforesaid facts and circumstances, especially as to the traffic hindrance and inconvenience caused to the user public in the event of public meeting or agitation being allowed to be conducted/convened at Thirumangalam, directs the respondents 1 to 3, not to accord any such permission in future, either to hold a public meeting or agitation/dharna at Thevar Thidal, Thirumangalam and



instead, the concerned organisers may be given a choice of holding the public meeting or conducting dharna, subject to restrictions, near any one of the above said three places.

11. The petitioner is directed to submit an application for conducting a public meeting on 27.01.2018 between 05.00 p.m. and 10.00 p.m., to the third respondent, preferably, by 23.01.2018 and on receipt of such application, the third respondent, is directed to consider the same and pass appropriate orders, on merits and in accordance with law, on or before 25.01.2018, and communicate the decision taken, to the petitioner forthwith.

12. The writ petition stands disposed of accordingly. No costs.

Sd/-  
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,  
Madurai District, Madurai.
2. The Deputy Superintendent of Police,  
Thirumangalam Police Station,  
Madurai District.
3. The Inspector of Police,  
Thirumangalam Police Station,  
Madurai District.
4. The District Collector,  
Madurai District.

+ 1 CC TO MR.M.Jegadeeshpandian, ADVOCATE IN SR No.43415  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.44024

MK/SV MMS/SAR-1/08.02.2018/4P/7C

**W.P (MD) No.1000 of 2018**  
**22.01.2018**