



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.05.2018

CORAM

THE HON'BLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.11187 of 2018

Balu

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thilagar Thidal (L&O),
Madurai City.

3.The Inspector of Police,
Thilagar Thidal (L&O) Police Station,
Madurai City,
Madurai District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the records connected with the impugned order in e.f.vz;.59/2018 dated 10.05.2018 on the file of the second respondent and quash the same as illegal and consequently to direct the respondents for grant permission for conduct Thiyagi Palanikumar Memorial Meeting on 17.05.2018 from 06.00 pm to 10.00 pm or any other earliest date at Melavasal, Madurai by considering the petitioner's representation dated 12.05.2018 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.L.M.Vijai Boominathan
For Respondents : Mr.B.Bhagawathi,
Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner seeking to quash the impugned order passed by the second respondent dated 10.05.2018 and consequently to direct the respondents to grant permission for conducting "Thiyagi Palanikumar Memorial Meeting" on 17.05.2018 from 06.00 pm to 10.00 pm or any other earliest date at Melavasal, Madurai, by considering the petitioner's representation dated 12.05.2018.



2.By consent of both the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

3.Heard Mr.L.M.Vijai Boominathan, learned counsel for the petitioner as well as Mr.B.Bhagawathi, learned Government Advocate appearing on behalf of the respondents.

4.The learned counsel for the petitioner submitted that the petitioner has submitted a representation on 05.05.2018 seeking permission for conducting public meeting on 17.05.2018 and the same was rejected by the second respondent vide impugned order dated 10.05.2018. Aggrieved by the same, the petitioner has come forward with the present petition.

5.The learned Government Advocate submitted that the petitioner's representation was rejected, since there is a likelihood of law and order problem.

6.On this issue, this Court as well as the Hon'ble Supreme Court in various cases have held that the conduct of meeting in a peaceful manner is a fundamental right and therefore, the respondents cannot deny permission on the reason that there is a likelihood of law and order problem.

7.It is needless to point out that if at all, there is any likelihood or a situation of law and order, it is the duty of the respondent police to safeguard the situation and keep it under control. In this background, I am of the view that the petitioner is entitled to be granted permission for conducting such a meeting. However, the meeting shall be done in a peaceful manner, without affecting any sections of the society. The respondent police would also be entitled to impose reasonable restrictions for the purpose of granting permission.

8.With the above observation, the impugned order dated 10.05.2018, passed by the second respondent is set aside and the Writ Petition stands allowed. The petitioner is granted liberty to approach the respondent police seeking permission for conducting "Thiyagi Palanikumar Memorial Meeting" on 17.05.2018 from 06.00 pm to 10.00 pm or any other dates at Melavasal, Madurai afresh and on receipt of such application, the second respondent police shall positively grant permission with reasonable restrictions. Such an exercise shall be endeavoured to be made on the same day of the application. No costs.

Sd/-
Vacation Officer

/True Copy/



To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.
 - 2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Thilagar Thidal (L&O),
Madurai City.
 - 3.The Inspector of Police,
Thilagar Thidal (L&O) Police Station,
Madurai City,
Madurai District.
- +1cc to Special Government Pleader, SR.No. 65656
+2cc to M/S.R.Alagumani, Advocate SR.No. 65960, 65585

W.P. (MD) No.11187 of 2018
16.05.2018

cmr

JM/SV MMS/SAR 1/18.05.2018/3P/7C