



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2018

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.12088 of 2018

WEB COPY

K.Sarathiraja

... Petitioner

vs

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

2.The Deputy Superintendent of Police (I/C),
Paramakudi,
Ramanathapuram District.

3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings Na.Ka.No.385/Ka Thu.K-Parama/18 dated 03.06.2018 issued by the second respondent and quash the same as illegal and consequently to direct the second respondent to grant permission to conduct meeting at 6 p.m., on 09.06.2018 at Muthalamman Kovil Medai, Paramakudi, Ramanathapuram by considering the petitioner's application dated 04.06.2018.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.V.Anand

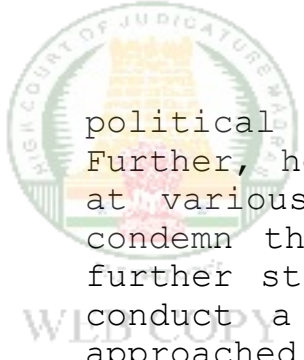
Government Advocate

ORDER

This writ petition has been filed for issuing a Writ of Certiorarified Mandamus, to quash the order passed by the second respondent, dated 03.06.2018, rejecting the application filed by the petitioner, seeking permission to conduct a protest meeting in Paramakudi on 05.06.2018. The petitioner also sought for a direction to the second respondent to grant permission to conduct a meeting at 6 p.m., on 09.06.2018 at Muthalamman Kovil Medai, Paramakudi, Ramanathapuram. The petitioner also given a subsequent representation on 04.06.2018, seeking permission to conduct a protest meeting on 09.06.2018.

<https://hccourts.gov.in/courts>

2.The petitioner states that he is the State Organizer of a



political party by name, Naam Thamizhar Katchi (Students Wing). Further, he states that his party has conducted a protest meeting at various places against the Sterlite Industry as well as to condemn the inhuman act of the State machinery. The petitioner further states that the petitioner's organisation have decided to conduct a public meeting at Paramakudi. When the petitioner approached the second respondent seeking permission to conduct the protest meeting, the second respondent rejected his request by order dated 03.06.2018.

3. In the impugned order dated 03.06.2018, the request of the petitioner was rejected on the ground that if the petitioner is permitted to conduct the protest meeting, there is a likelihood of law and order problem. It is further stated in the impugned order that Section 32 of Police Act is in force and that therefore, the permission to conduct the public meeting is refused.

4. After the admission of this writ petition, the learned Government Advocate appearing for the respondents submits that the third respondent, Inspector of Police, Paramakudi Town Police Station, Ramanathapuram District, by proceedings dated 24.06.2018, has stated that the petitioner will be given permission in case the petitioner selects different place for conducting the protest meeting subject to certain conditions, which are annexed to this order.

5. The learned counsel appearing for the petitioner states that the petitioner is preferred to accept all the conditions except few, which is not possible to get within the short period. Say for example, the petitioner is required to take care of Electricity, Drinking Water, Fire Extinguisher and Ambulance facilities apart from the Medical Team with basic amenities and infrastructure before allowing the protest meeting to go on.

6. Since the respondents themselves can make arrangements for providing medical facilities and Ambulance, this Court do not see any significance for complying with all the conditions pointed out by the learned counsel for the petitioner.

7. The learned counsel appearing for the petitioner stated that the place near Krishna Theatre, can be considered for permitting the petitioner to conduct the protest meeting. It is further stated that the political parties have organized the protest meeting in the same place and the meeting conducted by another political party, was completed without any law and order issue.

8. The learned counsel appearing for the third respondent has not accepted the submission of the learned counsel for the petitioner. The third respondent has expressed some difficulties by stating that there was some law and order problem when the meeting was conducted by another political group.



9. Considering the fact that every citizen of this country has got constitutional guarantee under Article 19 particularly the freedom of expression this Court is inclined to entertain this writ petition. In this case, it is not brought to the notice of this Court any statute or lawful prohibitory order preventing any political party or individual to organize the political meeting condemning the incident at Tuticorin. The petitioner therefore, is entitled to get permission unless a serious problem is anticipated by the third respondent. With regard to the place, the contention of the petitioner that earlier some other political party was permitted, is not disputed. Though it is stated that there was some problem, no material has been produced to substantiate that there was law and order issue when the meeting was conducted in the same place by a different political party. Hence, this Court is unable to accept the contentions in the communication dated, 24.06.2018, issued by the Inspector of Police, Paramakudi Town Police Station, Ramanathapuram District, rejecting the permission to the petitioner.

10. As a result, the writ petition is disposed of and the third respondent is directed to grant permission to the petitioner to conduct the protest meeting on 03.07.2018 near Krishna Theatre between 07.00 p.m., to 09.00 p.m., subject only to the relevant terms and the conditions imposed in the communication dated 24.06.2018 to maintain law and order. No costs.

Sd/

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

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

2. The Deputy Superintendent of Police (I/C),
Paramakudi,
Ramanathapuram District.

3. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

+1cc to Mr.V.RAJIV RUFUS, Advocate, SR.No.70019

W.P(MD)No.12088 of 2018
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MM