



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMARW.P.(MD)No.15485 of 2018

A.Kader Mohideen
District President
Social Democratic Party of India
Khalima Complex
Ettayapuram Road,
Thoothukudi-628002.

...Petitioner

-Vs-

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

2.The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi.

3.The Inspector of Police,
South Police Station,
Thoothukudi, Thoothukudi District.

... Respondents

PRAYER: petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order passed by the second respondent vide his proceedings in CHE.Mu.Aa.No.254 / Mugam / VU.Ka.A (Nagaram)/ TUTI/2018, dated 11.07.2018, quash the same and consequently, to direct the respondents to grant permission to the petitioner, to conduct the memorial public meeting as a token of respect to the persons, who have lost their life in the protest against closure of Sterlite Industry, which is scheduled on 21.07.2018 between 06.00pm., and 10.00 pm., at the ground situated near Chidambara Nagar Bus Stop, Thoothukudi.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.K.Chellapandian
Additional Advocate General
Assisted by,
Mr.M.Karuppasamy
Government Advocate

ORDER

This Writ Petition has been filed against the impugned order passed by the second respondent vide his proceedings in



CHE.Mu.Aa.No.254/Mugam/VU.Ka.A(Nagaram)/TUTI/2018, dated 11.07.2018 and for a consequential direction to the respondents to grant permission to the petitioner to conduct the memorial public meeting as a token of respect to the persons, who have lost their lives in the protest against Sterlite Industry, which is scheduled on 21.07.2018 between 06.00 pm., and 10.00 pm., at the ground situated near Chidambara Nagar Bus Stop, Thoothukudi.

2.Heard Mr.R.Karunanidhi, learned counsel appearing for the petitioner as well as Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents.

3.According to the petitioner, he made a representation dated 06.07.2018 to the first respondent, seeking permission to conduct the public meeting on 21.07.2018. The said request made by the petitioner was rejected by the second respondent, vide his proceedings dated 11.07.2018.

4.The learned counsel for the petitioner submitted that the rejection order passed by the second respondent is illegal and against Article 14, 19 and 21 of the Constitution of India. Further, the learned counsel submitted that on similar occasions, this Court, by order dated 16.06.2018 W.P.(MD).No.12920 of 2018, has allowed the Writ Petition, directing the authorities concerned to grant permission to conduct public meeting on the very same place, i.e., Chithambara Nagar Bus stop, Tuticorin. Under the above stated circumstances, the petitioner has come forward with this Writ Petition seeking to quash the impugned proceedings and grant permission to conduct the public meeting.

5. Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents, strongly objected to grant of permission to conduct the public meeting, as, according to him, if permission is granted to the petitioner, it would cause disturbance to the public harmony and to create law and order problem in the said locality. He further submitted that even if permission is granted by this Court, by imposing certain reasonable conditions, the same would be violated by the organizer of the political party. Hence, the second respondent was right in rejecting the request of the petitioner, which does not require any interference at the hands of this Court.

6.The facts of the case are that the petitioner is the District president of Social Democratic Party of India and the same is registered as political party. Due to the police firing on 22.05.2018, thirteen persons died in Tuticorin. As a token of respect to the persons, who have lost their lives on 22.05.2018, the political party wanted to honour them, by conducting a memorial public meeting, in order to recognize their sacrifice. Hence, the petitioner made a representation on 06.07.2018 to the first respondent seeking permission to conduct the memorial programme on



21.07.2018 between 06.00 pm and 10 pm. The second respondent passed impugned order by rejecting the said request.

7. The learned counsel for the petitioner submitted that the petitioner will give an undertaking that the participants will not exceed 500 and also give an undertaking that the details of speakers will be only five persons, who are addressing in the public meeting viz., A.Kadhar Mohideen (District President of SDPI), K.K.S.M. Thehalkhah Bhagavi (Vice President of SDPI), V.M.S.Mohamed Mubark (State President of SDPI), Ahamed Navavi (State Secretary of SDPI), Syed Basulsameer (Party of SDPI). The particulars of the speakers will also be furnished to the respondents at the time of making the application. So far as the time and other usual conditions, that may be imposed by the respondents, are concerned, the same shall be adhered to by the petitioner strictly.

8. The learned Additional Advocate General submitted that the time, as requested by the petitioner, i.e., from 6 pm., to 10 pm., may be restricted to an hour, i.e., 6 pm., to 7 pm., and also the petitioner shall abide by the other reasonable conditions, that may be imposed by the respondents.

9. In the light of the aforesaid submission and undertaking of the petitioner and taking note of the earlier order of this Court and also making it clear that the petitioner, being the organizer of the meeting, if there is any violation of the said condition, is responsible for such violation, the impugned order passed by the second respondent is quashed and the petitioner is permitted to make a fresh representation along with an undertaking affidavit, as stated supra, to the second respondent, within two days from today and on receipt of the same, the second respondent shall consider the petitioner's representation and pass appropriate orders in accordance with law within two days thereafter. It is made clear that the second respondent shall impose reasonable and usual conditions, in the event of granting permission to the petitioner.

10. The writ petition is allowed, as indicated above. No costs.

Sd/-

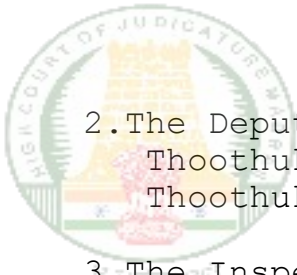
Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

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



2.The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi.

3.The Inspector of Police,
South Police Station,
Thoothukudi.
Thoothukudi District.

+1cc to Mr.R.Karunanidhi, Advocate, SR.No.73379.
+1cc to Special Government Pleader, SR.No.73520.

Order made in
W.P. (MD) No.15485 of 2018

rmk

RAM/SV/SAR 1/18.07.2018/4P/6C