



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.11.2018

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No. 22643 of 2018

Mohan Karthi

... Petitioner

Vs.

- 1.The Superintendent of Police,
Thanjavur,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Vallam, Thanjavur,
Thanjavur District.
- 3.The Inspector of Police,
Tamil University Police Station,
Thanjavur,
Thanjavur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to grant permission to conduct public meeting in the private place at Thanjavur on 27.11.2018 at 04.00 p.m. onwards, based on the petitioner's representation dated 03.11.2018.

For Petitioner : Mr.V. Rajiv Rufus
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the first respondent to grant permission to conduct public meeting in the private place at Thanjavur on 27.11.2018 at 04.00 p.m. onwards, based on the petitioner's representation dated 03.11.2018.

2. The petitioner is the Secretary of Thanjavur Constituency in Naam Tamilar Katchi, which is a political party. The petitioner and other functionaries have decided to conduct a public meeting in a



private place, viz., near Parisutham College at Thanjavur on 27.11.2018 from 04.00 p.m. to 10.00 p.m.

3.The learned Counsel for the petitioner would submit that the petitioner made a representation on 03.11.2018 to the respondents seeking permission to conduct the said meeting and the said representation was not considered. Hence, the present petition has been filed before this Court.

4.The learned Additional Public Prosecutor would submit that the place, where the petitioner has intended to conduct the meeting is near to a college and that it will cause disturbance to the students.

5.The third respondent has also filed a counter affidavit opposing to grant the permission to the petitioner.

6.This Court has carefully considered the submissions made on either side.

7.Admittedly, in this case the venue that has been chosen by the petitioner is the venue where such agitations normally take place. It is not as if the venue chosen by the petitioner has never been permitted for conducting demonstration and meeting on earlier occasions. Therefore, the submission made by the learned Additional Public Prosecutor that the venue chosen by the petitioner cannot be permitted for conducting meeting is not sustainable.

8.Even in the counter affidavit, except for raising some general objection, there is nothing to show that if permission is granted, it will lead to law and order problem.

9.The petitioner is the resident of Thanjavur District. It is well within the right of the petitioner to express the grievances of the people belonging to the constituency in a democratic manner. The respondent police cannot reject permission for such a meeting, unless very strong grounds are shown before this Court to the effect that it will lead to law and order problem.

10.In the facts and circumstances of the case, this Court is inclined to direct the first respondent to grant permission to the petitioner to the conduct meeting. Accordingly, the first respondent is directed to grant permission to the petitioner to conduct meeting on 27.11.2018 at the venue indicated by the petitioner. The petitioner is directed to give an undertaking affidavit mentioning that they will not violate any of the conditions imposed on them by the respondent police. It is left open to the first respondent to impose any reasonable conditions, for the purpose of giving such permission to the petitioner and the petitioner is duty bound to comply with the conditions without fail. If the petitioner or the member belonging to his party violate any of the conditions imposed by the first respondent, it is left open



to the first respondent to take action in accordance with law.

11.The writ petition is disposed of with the above direction.

Sd/

Assistant Registrar(P&A)

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/True copy/

Sub Assistant Registrar(CS-I)

To

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

2.The Deputy Superintendent of Police,
Vallam, Thanjavur,
Thanjavur District.

3.The Inspector of Police,
Tamil University Police Station,
Thanjavur,
Thanjavur District.

+1cc to Mr.V.RAJIV RUFUS, Advocate, SR.No. 95695

W.P. (MD) No. 22643 of 2018
16.11.2018

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