



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18033 of 2018

K.P.Nallusamy

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Ottanchathiram Police Station,
Dindigul District.

3.The Inspector of Police,
Ottanchathiram Police Station,
Dindigul District.

... Respondents

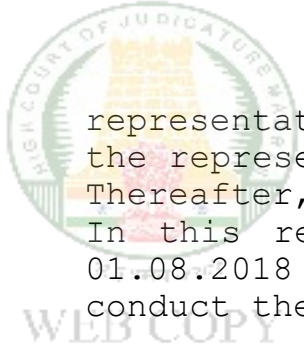
PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to grant police permission and protection for public meeting as well as to provide welfare assistance to the public on 26.08.2018 at about 04.00 p.m., to 09.30 p.m., at (A) Survey Nos.208, 209, at Tharapuram Main Road, Ottanchathiram, Dindigul District or (B) in Survey Nos.621(A), 654 and 655 at Palani Main Road, Ottanchathiram, Dindigul District based on the petitioner's representation dated 01.08.2018 within a stipulated time as may be fixed by this Court.

For Petitioner	: Mr.Veera Kathiravan Senior Counsel For M/s.Veera Associates
For Respondents	: Mr.B.Bhagawathi Government Advocate

ORDER

This writ petition has been filed for a direction to the respondents to grant permission and protection for convening a public meeting to provide welfare assistance to the public on 26.08.2018, which is scheduled to be conducted on 26.08.2018 between 05.00 p.m., and 10.00 p.m..

2(i) Mr.Veera Kathiravan, the learned Senior Counsel appearing for the petitioner would submit that this writ petition has been filed by the District Secretary of Amma Makkal Munnetra Kazhagam. The party decided to conduct a public meeting on 23.07.2018 and a



representation was made on 12.07.2018 to the respondents. However, the representation was not considered and no permission was granted. Thereafter, it was decided to postpone the function to 26.08.2018. In this regard, a representation was made to the respondents on 01.08.2018 seeking for permission and police protection in order to conduct the meeting.

2(ii). The petitioner had suggested two places to conduct the meeting, namely, Survey Nos.208, 209 at Tharapuram Main Road, Ottanchathiram, Dindigul District and Survey Nos.621(A), 654 and 655 at Palani Main Road, Ottanchathiram, Dindigul District. In spite of the receipt of the representation made by the petitioner, the second and third respondents did not respond to the representation and left with no other option, the present writ petition has been filed.

2(iii). Mr.Veera Kathiravan, the learned Senior Counsel appearing for the petitioner would submit that for every meeting that is sought to be conducted by this party, they are enforced to approach the Court in order to get permission and permission has not been given even for a single meeting by the respondents on their own. The learned Senior Counsel also brought to the notice of this Court the earlier orders passed by this Court. He would further submit that the valuable right of the party guaranteed under Article 19 (1) (b) of the Constitution of India is being violated by the respondents every time when they seek for a permission to conduct meeting on behalf of the party.

3(i). Per contra, the learned Government Advocate representing the respondents would submit that the second and third respondents have considered the representation made by the petitioner and have found that both the venues that were chosen for the purpose of conducting the meeting, are not suitable. A written objection has been filed on behalf of the third respondent, wherein the reasons as to why the places are not suitable for the purpose conducting the meeting has been specified.

3(ii). The proposed meeting is planned to be conducted by the petitioner on 26.08.2018, which is a Sunday, between 05.00 p.m., and 10.00 p.m. The first venue that has been opted by the petitioner has a total extent of nearly 6 acres. That apart, the adjacent land situated in Survey Nos.181, 187, 188 are also vacant lands. A photocopy that has been produced before this Court would show that a vast extent of land in the said place remains vacant. The main objection that has been raised on the side of the third respondent is that there is no sufficient space for parking vehicles, since the meeting will be attended by atleast 50,000 to 75,000 people. The other objection that has been raised by the third respondent is that traffic will have to be stopped in Ottanchathiram to Tharapuram for about eight hours and therefore, the same will cause unnecessary hardship to the general public. That apart, people belonging to various castes are living in the area and therefore, there is a chance for law and order problem.



3(iii). Insofar as the second option that has been given by the petitioner is concerned, it is a land in Survey Nos.621(A), 654 and 655 at Palani Main Road, Ottanchathiram, Dindigul District and the total extent is only about 3 acres. The third respondent has raised an objection to the effect that there is a railway track, which is very near to this place and therefore, it will not be safe to permit the meeting to be conducted in this place, since people will tend to sit in the railway track, which may result in accident. The third respondent has also raised an objection to the effect that there is no sufficient parking space for vehicles of the people, who come to attend the meeting. The third respondent has therefore, objected to both the venues being chosen for the meeting by the petitioner.

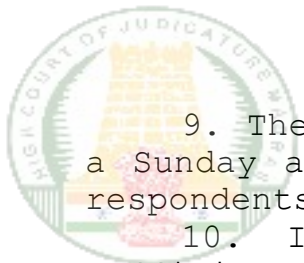
4. This Court carefully considered the submissions made on either side.

5. It is seen from the records that the petitioner, who is the District Secretary of Amma Makkal Munnetra Kazhagam has submitted a representation as early as on 01.08.2018 and the same was kept pending by the respondents without responding to the same. Left with no other option, the present writ petition has been filed before this Court on 13.08.2018. It is also seen that every time, when a meeting is sought to be conducted, orders have been obtained from this Court and only thereafter, the meeting was conducted.

6. The petitioner has opted for two locations in order to conduct the meeting. Insofar as the property in Survey Nos.621(A), 654 and 655 located at Ottanchathiram is concerned, the objection raised by the third respondent seems to be reasonable, since there is a railway track very near to the said land.

7. Insofar as the first option is concerned, this property is situated in Survey Nos.208, 209 at Ottanchathiram Town and measures an extent of nearly 6 acres. The survey map and the photocopies filed before this Court clearly reveal the fact that the adjacent lands in Survey Nos.181, 187 and 188 are also vacant and there is a huge chunk of vacant lands. Therefore, the land in Survey Nos.208, 209 at Ottanchathiram Town will be more suitable for the purpose of conducting the meeting and for the purpose of accommodating the persons, who come for the meeting and for the purpose of parking the vehicles.

8. The objection raised by the third respondent to the effect that there will be problem in parking the vehicles and that there will be stoppage of traffic, can be managed by the respondent police by providing sufficient instructions to the organizers of the meeting and also by proper regulation of the traffic between Ottanchathiram and Tharapuram. The respondents have not complained about the manner in which the meeting was conducted by the party during previous occasions and it has all gone through without any problems.



9. The meeting is scheduled to be held on 26.08.2018, which is a Sunday and a holiday and therefore, it will be possible for the respondents to manage the traffic on the said day.

10. It will be left to the third respondent to impose sufficient conditions in order to ensure that there is no traffic jam caused due to the meeting and no hardship is caused to the general public in and around Ottanchathiram Town. The third respondent shall also impose conditions on parking of vehicles and the same has to be strictly complied with by the petitioner in order to ensure that no hindrance or hardship is caused to the general public in and around Ottanchathiram Town.

11. The petitioner shall strictly comply with the conditions imposed by the third respondent, while conducting the meeting on 26.08.2018 and shall ensure that no hindrance or hardship is caused to the general public. The petitioner shall also ensure that the meeting is started and completed within the time, for which the permission has been sought for. The petitioner shall comply with the conditions that are imposed by the third respondent for the purpose of conducting the meeting on 26.08.2018.

12. For the reasons stated above, this writ petition shall stand allowed and the respondents 2 and 3 are directed to grant permission and police protection for the public meeting to be held on 26.08.2018 from 05.00 p.m., to 10.00 p.m., at Survey Nos.208, 209 at Tharapuram Main Road, Ottanchathiram, Dindigul District, subject to the conditions as may be imposed by them and which shall be strictly complied with by the petitioner. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Deputy Superintendent of Police,
Ottanchathiram Police Station,
Dindigul District.
- 3.The Inspector of Police,
Ottanchathiram Police Station,
Dindigul District.

+1cc to M/S.Veera Associates, Advocate SR.No. 79068

+1cc to Special Government Pleader, SR.No. 79147

W.P. (MD) No.18033 of 2018
16.08.2018