



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.18355 of 2018
and W.M.P. (MD) No.16238 of 2018

N.Thiruselvam

: Petitioner

Vs.

- 1.The Superintendent of Police,
Thanjavur District, Thanjavur.
- 2.The Deputy Superintendent of Police,
Pattukkottai, Thanjavur District.
- 3.The Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned rejection order dated 20.08.2018 issued by the third respondent and quash the same and consequently direct the respondents to give permission and protection for the public meeting to be conducted on 26.08.2018 in front of Head Post Office, Pattukkottai.

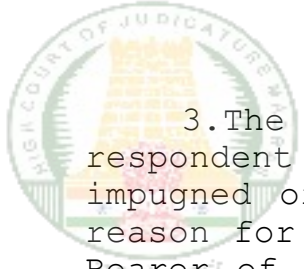
For Petitioner
For Respondents

: Mr.C.Ezhilarasu
: Mr.B.Bhagawathi
Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent rejecting the application made by the petitioner for conducting public meeting at the Head Post Office, Pudukkottai on 20.08.2018.

2.The petitioner is the District Secretary of Islamiya Jananayaga Munnani of Thanjavur District. This organization decided to conduct at public meeting on 26.08.2018 in order to bring to the notice of the general public about the persons who are suffering imprisonment for more than 14 years and also the scheme of the State of Government, where such convicts are released during the birth day ceremony of great leaders.



3.The petitioner made representation on 01.08.2018 to the third respondent and the third respondent rejected the application by his impugned order dated 20.08.2018. In the said impugned order, the reason for rejection has been stated to be that an important Office Bearer of the said organization was done to death and the case is under investigation and if the organization is permitted to conduct public meeting and express their views on the above said murder case, same will result in unnecessary law and order problem. The third respondent has further stated in the impugned order that since the order passed under Section 30(2) of the Indian Police Act is in force, the petitioner cannot be permitted to conduct any meeting.

4.The learned counsel appearing for the petitioner would submit that the organization is not conducting the meeting to discuss about the above said murder case. The meeting is being conducted only to draw the attention of the people with regard to the muslim convicts and seven tamil convicts, who are serving sentence beyond 14 years and the law relating to the same. He further submitted that the meeting will also express its views on the available remission G.Os under which similar convicts are being released during birth day of great leaders. The learned counsel made it clear that apart from these two issues, no further issues will be discussed or spoken during the public meeting.

5.The learned counsel appearing for the petitioner brought to the notice of this Court the order passed by this Court in W.P.(MD) No.1510 of 2018, dated 25.01.2018 wherein this Court has held as follows:

"5.A perusal of the order passed by the first respondent shows that he has passed an order under Section 30(2) of the Police Act, 1961 stating that if any person or party desirous of organizing or conducting any procession, public meeting etc., within Samayanallur Sub Division limits shall apply for and get licence from him well in advance for such procession, public meeting etc., So, it appears by following the aforesaid order only, the petitioner has submitted an application, but, without assigning any other reason, the second respondent has simply rejected the application of the petitioner by saying since the order under Section 30(2) of Indian Police Act is in force. Therefore, the said order passed by the second respondent dated Nil / 2018 is quashed and the first respondent is directed to consider the application submitted by the petitioner and pass appropriate orders on or before 27.01.2018".

6.Per contra, the learned Government Advocate, on instructions from the respondents, submitted that the murder of an important functionary belonging to the said organization has become very sensitive and the investigation in the murder case is at a very crucial stage. The accused persons in this case belong to Pudukkottai and if the meeting is permitted to be conducted by the



petitioner, it will give raise to unnecessary law and order problem. He further submitted that the place in which the meeting is sought to be held is not permitted for any other public meeting. In this regard, the learned Government Advocate also circulated the proceedings of the Revenue Divisional Officer, dated 28.07.2018 wherein the place where such meetings are to be conducted has been specified as follows:

6. அரசியல் கட்சிகள் மற்றும் அமைப்புகள் சார்பாக நடைபெறும் பொதுக்கூட்டத்திற்கு பட்டுக்கோட்டை காசாங்குளம் வடகரையில் உள்ள கலையரங்கத்தில் மட்டுமே அனுமதிக்க வேண்டும் எனவும் அறிவுறுத்தப்பட்டது.

7. This Court has carefully considered the submissions made on either side. This Court directed the petitioner to file an affidavit undertaking that there should be absolutely no discussion or talk in the meeting about the murder of the important functionary. Pursuant to the directions given by this Court, an affidavit has been filed today, wherein the petitioner undertakes as follows:

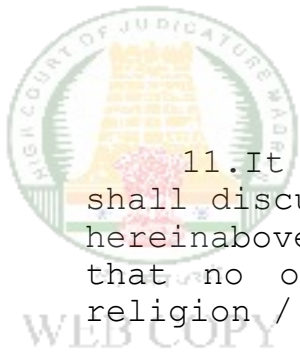
"(4) I submit that the above said writ petition came up before this Court on 21.08.2018. This Court directed me to file an additional affidavit that while conducting the meeting nobody should talk about the murder of the party's functionary namely Madhukoor Mydeen as per the direction of this Hon'ble Court I am filing this additional affidavit.

(5) I submit that if this Hon'ble Court directs the third respondent to give permission and protection to the scheduled meeting to be held on 26.08.2018. Nobody will talk or make any protest about the murder of the party's functionary namely Madhukoor Mydeen."

8. The learned counsel appearing for the petitioner submitted that the organization will also comply with the venue which is fixed by the respondents as per the proceedings of the Revenue Divisional Officer, dated 20.08.2018 and is willing to conduct the meeting in the Auditorium situated at Kasankulam Vadakarai, Pudukkottai District.

9. If the entire purport of the meeting to be conducted by the petitioner, is only for the purpose of drawing the attention regarding the sentence that is suffered by persons beyond 14 years and also the law relating to the same and about the benefit of remission that is being extended to other convicts during birthday of great leaders, this Court does not find any reason as to why permission should not be granted to conduct such a meeting.

10. Similarly, earlier permission for the meeting was sought to be conducted in a important junction in a open place and therefore, the Police were very apprehensive about granting permission for the meeting. Now, the petitioner has accepted to conduct the meeting in a Auditorium in the closed place and in the said meeting only issues <https://hcservices.ecourts.gov.in/hcservices/> cited supra are to be discussed and spoken. This Court finds that permission can be granted to the petitioner to conduct the meeting by imposing certain conditions.



11. It is made clear that the petitioner and his organization shall discuss and speak only about the issue that has been mentioned hereinabove. The petitioner and his organization shall also ensure that no one talks any subject that hurts sentiments of other religion / caste or community.

12. The petitioner and his association shall also ensure that there is no talk or expression made touching upon the sovereignty and the integrity of India. The petitioner and his association shall also avoid speech against any organization or party, which will give raise to law and order problem.

13. The petitioner and his organization shall conduct this meeting between 05.00 pm to 10.00 pm on 26.08.2018 at the Auditorium situated in Kasankulam Vadakarai, Pudukkottai District. The third respondent is directed to give permission and adequate protection for the above said meeting and the third respondent shall ensure that all the conditions that have been imposed by this Court are strictly complied with and the entire meeting goes in a peaceful manner. If the petitioner or any other speaker violates any of the conditions imposed in this order, the third respondent is at liberty to stop the meeting at any point of time.

14. The petitioner shall ensure that the entire meeting goes on peacefully without giving raise to any law and order problem and the petitioner shall comply with all the conditions in letter and spirit.

15. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-I)

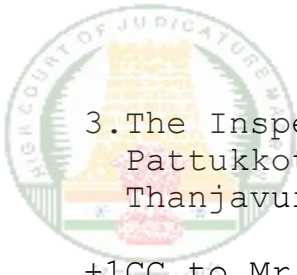
/True Copy/

Sub Assistant Registrar (CS-IV)

To

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

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



3.The Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.

+1CC to Mr.C.EzhilArasu Advocate in SR.No.79882.

WEB COPY

+1CC to Special Government Pleader in SR.No.80004

GNS

DS/RP/SAR-4 :23.08.2018: 5P/6C

W.P. (MD) No.18355 of 2018
23.08.2018