



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.18220 of 2018

T.Krishnamoorthy @ Kavithuvan

: Petitioner

Vs.

1. The Government of Tamilnadu,  
Rep.by its Secretary,  
Department of Home,  
Fort St.George, Chennai-9.

2. The Director General of Police,  
Office of Director General of Police,  
Kamarajar Salai, Chennai.

3. The Commissioner of Police,  
Trichy City, Trichy.

4. The Inspector of Police,  
Woraiyur Police Station,  
Trichy City, Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Declaration, declaring that the questions asked by the fourth respondent in his notice dated 24.07.2018 and the order of the fourth respondent in C.No.53-1/E2 PS/TRC/2018 dated 25.07.2018 refusing to give permission to the party of the petitioner to conduct public meeting as illegal and unconstitutional and consequently to direct the fourth respondent to give permission to the party of the petitioner to conduct the public meeting on any convenient date in the month of August, 2018 in any convenient place at Woraiyur, Trichy City and award cost.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.B.Bhagawathi

Government Advocate

### ORDER

This Writ Petition has been filed challenging the impugned order passed by the fourth respondent refusing to give permission to the petitioner to conduct public meeting.

2.It is seen from the records that the meeting was proposed to be held on 28.07.2018 and the impugned order rejecting permission was passed on 25.07.2018. The learned counsel appearing for the petitioner submitted that the fourth respondent had asked nearly twenty two questions by way of notice dated 24.07.2018 and the petitioner had also replied to all the questions by his letter dated 25.07.2018.



3.The learned counsel appearing for the petitioner further submitted that the petitioner is the Secretary of Tamil Desiya Periyakkam, which conducts public meetings, agitations and protests for the purpose of securing the collective rights of people of Tamilnadu. He further submitted that freedom of expression is guaranteed as a fundamental right under the Constitution of India and the fourth respondent cannot deny the said right to the petitioner.

4.The learned Government Advocate appearing for the respondents submitted that the application given by the petitioner was already rejected by the fourth respondent on 25.07.2018. He further submitted that if the petitioner gives a fresh representation to the fourth respondent, it will be considered in accordance with law.

5.A reading of the impugned order, reveals that the fourth respondent had rejected the permission only on the ground that the place, where the meeting was scheduled to be conducted, is a very small place and there is no sufficient space for the crowd and also for parking the vehicles. The fourth respondent also pointed out that if the meeting was permitted, it will cause hindrance to the general public and cause traffic problems.

6.When a question was posed to the learned Government Advocate as to whether any meetings have been permitted to conducted at Kuratheru near Panjavarnasamy Temple, the learned Government Advocate, on instructions, submitted that earlier the fourth respondent has permitted meetings to be conducted in the said place. Therefore, the petitioner cannot be singled out by the fourth respondent and the petitioner cannot be denied the right to conduct meeting in the above said place.

7.For the reason stated above, the petitioner is directed to make a fresh representation to the fourth respondent by fixing the date and time of the meeting at Uraiyr, Trichy City and the fourth respondent is directed to consider the representation and permit the conducting of the meeting by imposing sufficient conditions, which the petitioner is bound to comply with. Such permission shall be granted within a period of two weeks from the date of receipt of fresh representation to be made by the petitioner.

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/



To

1.The Secretary to Government,  
Home Department,  
Fort St.George,  
Chennai-9.

2.The Director General of Police,  
Office of Director General of Police,  
Kamarajar Salai,  
Chennai.

3.The Commissioner of Police,  
Trichy City, Trichy.

4.The Inspector of Police,  
Woraiyur Police Station,  
Trichy City, Trichy District.

+1CC to Mr.S.Arunachalam, Advocate, SR.No.79625  
+1CC to the Special Government Pleader SR.No. 79721

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GNS  
ES/SKN/SAR 2/30.08.2018/3P/7C