



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.18495 of 2018

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Pasumpon Muthaiah

... Petitioner

-Vs-

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

2. The Inspector of Police,
Nilakkottai Police Station,
Nilakkottai,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of certiorarified Mandamus, calling for the records pertaining to the impugned order dated 21.08.2018 passed by the second respondent and quash the same as illegal and consequently direct the respondents to grant permission and adequate police protection for conducting the flag hoisting event and political awareness public meeting of the Bharathiya Forward Block Party scheduled to be held on 25.08.2018 from 04.00.p.m., to 10.00.p.m., at Kumanthankulam Ground, Nilakkottai, Dindigul District.

For Petitioner : Mr. T.Indrachithu
For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This Writ Petition has been filed challenging the rejection of permission by the second respondent by his impugned order dated 21.08.2018, wherein the petitioner had sought for permission to conduct a flag hoisting event and political awareness public meeting of Bharathiya Forward Block Party, on 25.08.2018.

2.The learned counsel for the petitioner would submit that initially, the petitioner had made a representation on 30.07.2018 to conduct the meeting and based on the representation, the second respondent by communication dated 13.08.2018, permitted the event and public meeting on 25.08.2018 subject to certain conditions. He proceeded further in arranging for the meeting pursuant to the permission given by the second respondent. Thereafter, the impugned proceedings dated 21.08.2018 has been made by the second respondent, wherein the second respondent has revoked the permission merely on the ground that there is a chance of law and order problem.



3. The learned Government Advocate would submit that the place, where the meeting is schedule to be held is a sensitive area. He further submitted that on the very same day i.e.25.08.2018, a sandhai is going to be held during the evening time and it will be very difficult for the police to give protection to the meeting.

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4.The learned counsel fairly submitted that the very same place, in which the meeting is scheduled to be held, has been permitted for conducting meetings by various other political parties.

5.This Court has carefully considered the submissions made on either side. Admittedly, the second respondent by the communication dated 13.08.2018 had granted permission to conduct the meeting subject to certain conditions. Thereafter, for reasons best known to the second respondent, the permission has been revoked by merely stating that there is a chance of a law and order problem. The apprehension of any law and order problem is not a ground to deny permission for conducting a public meeting without there being any sufficient materials to substantiate the same.

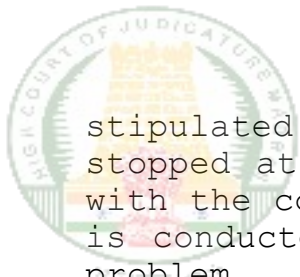
6. It is an admitted case that the very same place is normally used by other political parties to conduct the meeting and therefore it is not unusual for the petitioner, who has sought for holding a public meeting in the very same place.

7. The impugned proceedings does not even say as to why the earlier permission that was granted on 13.08.2018, is revoked and there is not even any reference to the earlier communication dated 13.08.2018.

8. The petitioner has also acted upon the permission granted by the second respondent and has made all arrangements to conduct the meeting.

9.This court is of the considered view that the petitioner can to be permitted to conduct the public meeting on 25.08.2018. However, taking into account the apprehension raised by the second respondent police, the conditions that were imposed by the second respondent in their letter dated 13.08.2018 can be imposed for permitting the petitioner to conduct the meeting.

10.The writ petition is disposed of directing the second respondent grant necessary permission and to provide adequate police protection to the petitioner for conducting the flag hoisting event and political awareness public meeting of the Bharathiya Forward Block Party to be held on 25.08.2018 at about 04.00p.m., to 10.00.p.m. This permission will be subject to the conditions imposed by the second respondent in their communication dated 13.08.2018. The second respondent shall ensure that the petitioner strictly follows the conditions and if at any point of time, the petitioner or the members belonging to the party violates any of the conditions



stipulated in the communication dated 13.08.2018, the meeting can be stopped at any point of time. The petitioner is directed to comply with the conditions in letter and spirit and ensure that the meeting is conducted peacefully, without giving raise to any law and order problem.

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11.This Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Nilakkottai Police Station,
Nilakkottai, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr. T.Indrachithu, Advocate, SR.No. 80090

W.P. (MD) No.18495 of 2018
24.08.2018

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