



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.11.2018

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD) No.23125 of 2018

Pavel

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

3.The Deputy Superintendent of Police,
Devakkottai,
Sivagangai District.

3.The Inspector of Police,
Devakkottai Town Police Station,
Sivagangai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant permission and protection for "Maveeral Naal" meeting and rally from Devakottai Union Office to Anna Arangam via Thiyakigal Poonka on 27.11.2018, by considering the petitioner's representation dated 15.11.2018.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.R.Anandharaj

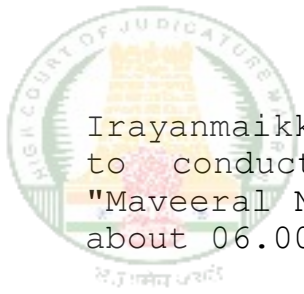
Addl. Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the respondents to grant permission and protection for "Maveeral Naal" meeting and rally from Devakottai Union Office to Anna Arangam via Thiyakigal Poonka on 27.11.2018, by considering the petitioner's representation dated 15.11.2018.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The petitioner is the District Organizer of Inangalin



Irayanmaikkana Ilangnar Manavar Iyakkam and their party have decided to conduct public meeting and rally on 27.11.2018 regarding "Maveeral Naal" at Anna Arangam, Devakkottai, Sivagangai District at about 06.00 p.m to 10.00 p.m.

3.The learned Counsel for the petitioner would submit that the petitioner made a representation on 15.11.2018 to the respondents seeking permission to conduct the said meeting and the said representation was not considered. Hence, the present writ petition has been filed.

4.The learned counsel would further submit that in similar situations, members belonging to other political party had earlier sought for permission to conduct meeting in democratic manner in Anna Arangam and they have been granted permission. In cases, where similar requests were not considered by the authorities, similarly placed persons have approached this Court and this Court in W.P(MD) No.19804 of 2018 and W.P(MD)Nos.22457 and 22488 of 2018 had directed the police to grant permission to them. He would also submit the petitioner organization is not a banned organization.

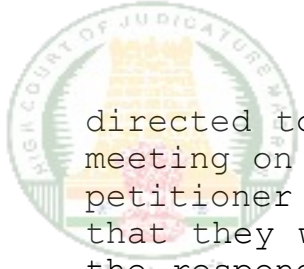
5.The learned Additional Public Prosecutor, on instructions, would submit that the place that has been chosen by the petitioner to conduct meeting is sensitive place and giving such permission will lead to law and order problem. He would further submit that the meeting must be conducted with a limited number of people and if large number of people gather in the venue, it will create unnecessary hardship to the general public.

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

7.Admittedly, in this case, the petitioner has sought for permission to conduct the rally and the meeting between 5.00 and 10.00 p.m after office hours and the venue Anna Arangam that has been chosen by the petitioner is the venue where such meetings normally take place. It is not as if the venue chosen by the petitioner has never been permitted for conducting 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.The petitioners do not belong to any banned organization. It is well within the right of the petitioner to express their grievances and view in a democratic manner. The respondent police cannot reject permission for such meeting unless very strong grounds are shown before this Court to the effect that it will lead to law and order problem.

9.In the facts and circumstances of the case, this Court is inclined to direct the respondents to grant permission to the petitioner to conduct meeting. Accordingly, the respondent police is



directed to grant permission to the petitioner to conduct rally and 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 respondent police 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 organization violate any of the conditions imposed by the second respondent, it is left open to the respondent police to take action in accordance with law.

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

Sd/

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.
- 3.The Deputy Superintendent of Police,
Devakkottai,
Sivagangai District.
- 4.The Inspector of Police,
Devakkottai Town Police Station,
Sivagangai District.

+1cc to Mr.C.Ezhilarasu, Advocate, SR.No.96624

W.P. (MD) No.23125 of 2018
23.11.2018

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