



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.11.2018

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No.23437 of 2018

Ellayaraja

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sivagangai Range,
Sivagangai District.

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai Distict.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to grant permission for permit the petitioner to conduct and commemorate the Maveerar public meeting near Sanmugarasa Kalaiararam, Aranmanai road, Sivagangai town on 27.11.2018 from 05.00 pm to 10.p.m by consider the petitioner's representation dated 10.11.2018 within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.R.Anandharaj

Addl. Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the first respondent to grant permission to the petitioner to conduct and commemorate the 'Maveerar' public meeting near Sanmugarasa Kalaiararam, Aranmanai road, Sivagangai Town on 27.11.2018 from 05.00 p.m to 10.p.m by consider the petitioner's representation dated 10.11.2018.

2. The petitioner is functioning as Chief Executive Committee Member of Tamil Desa Makkal Katchi and their party have decided to conduct public meeting on 27.11.2018 regarding "Maveerar Day" at Sanmugarasa Kalaiararam, Aranmanai road, Sivagangai Town at about 05.00 p.m to 10.00 p.m.



3.The learned Counsel for the petitioner would submit that the petitioner made a representation on 10.11.2018 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 Sanmugarasa Kalaiararam, Aranmanai road, Sivagangai Town and they have been granted permission.

5.At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that the application had been received on 31.10.2018 and that the first respondent, by proceedings dated 27.11.2018, had rejected the application to conduct the meeting on the ground that the meeting had been intended to be conducted in favour of LTTE organization that is banned by the Government and the permission has been rejected on the following grounds:-

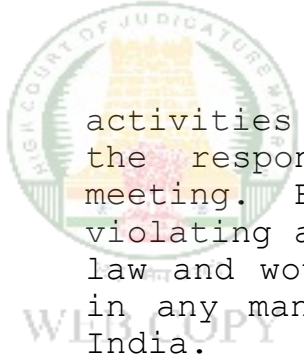
(i) Section 30(2) of the Tamil Nadu Police Act is in force.

(ii) the meeting to be conducted is for LTTE cadres, which is a banned organization.

(iii) there are cases pending against the petitioner and his organization in police station in that area.

(iv) the place, where the petitioner intended to conduct the meeting, is near bus-stand, which would cause disturbance to traffic and that the respondent police had received information that if the permission is granted to the petitioner organization, they will deliver speeches against the sovereignty of India, which will lead law and order problem and thereby had refused permission.

6.The learned counsel for the petitioner would submit that the respondent police with hidden agenda to deny the permission and prevent the petitioner from approaching this Court, had purposely rejected the request at the last moment. He would further submit that earlier similar meetings have been conducted by the petitioner organization and that there had not been any law and order problem. He would also submit that in cases, where similar request was not considered by the authorities, similarly placed organization 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 imposing certain conditions. He would also submit the petitioner organization, which has sought for permission, is not a banned organization and that the petitioner is prepared to abide any conditions imposed by the respondent police to maintain law and order problem. He would also submit that the political



activities of the petitioner organization cannot be curtailed by the respondent police by rejecting the prayer for conducting meeting. Even if the respondent police feels that the petitioner is violating any of the conditions, they may proceed in accordance with law and would submit that the petitioner and his men shall not act in any manner which is detriment to sovereignty and integrity of India.

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

8.Admittedly, in this case, the petitioner has sought for permission to conduct the meeting between 5.00 and 10.00 p.m after office hours and the venue Sanmugarasa Kalaiarangam 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.

9.As submitted by the counsel for the petitioner, 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.

10.Further, it is seen that though the petition has been sent on 10.11.2018 for permission to conduct the meeting, the respondents had purposely waited till last moment and rejected the petition on 25.11.2018. Therefore, 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 order dated 25.11.2018 passed by the first respondent is quashed and the respondent police is directed to grant permission to the petitioner to conduct meeting on 27.11.2018 at the venue indicated by the petitioner imposing conditions. 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.



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

Sd/-
Assistant Registrar(T&P)

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Sub Assistant Registrar(CS-IV)

skn

To

- 1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sivagangai Range,
Sivagangai District.
- 2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai Distict.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Alagumani, Advocate in SR No.96298

W.P. (MD) No.23437 of 2018

NM/RP/SAR IV/26.11.18/4P/5C.