



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.20597 of 2017

T.Murugan : Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Corporation Commissioner,
Tirunelveli Corporation,
Tirunelveli,
Tirunelveli District.

3.The Police Commissioner,
Tirunelveli,
Tirunelveli District.

4.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to prevent the permission to public meeting including Political meeting, Public functions, Cultural programs, Agitations and Hunger strikes at Jawahar Thidal, Palayamkottai, Tirunelveli District and consider representation dated 20.06.2017.

For Petitioner : Mr.R.Sadogopan Rengasamy
For Respondents 1, 3 & 4: Mr.M.Murugan
Government Advocate
For Respondent No.2 : Mr.Aayiram K.Selvakumar

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

Mr.M.Murugan, learned Government Advocate appears on behalf of respondents 1, 3 and 4 and Mr.Aayiram K.Selvakumar, learned Counsel appears on behalf of the second respondent.



2.The present writ petition is filed as a "Public Interest Litigation". The petitioner would aver among other things that there is a ground namely "Jawahar Thidal", located near Palayamkottai market and nearby Corporation Primary School, Manakavalam Pillai hospital, City Primary Health Care Centre primary health centre, Holy Saverior Church and Gandhi Market are located and the roads in and around Jawahar Thidal are busy and are commonly used by pregnant women and children to reach those important places.

3.The grievance expressed by the petitioner is that the police authorities are frequently granting permission to hold Public functions / meetings, Cultural programmes and also permission to conduct Dharna, Agitations etc., and as a consequence, traffic is diverted and it is leading to extreme hardship and difficulty to the persons who are coming to the hospital, especially pregnant women and children.

4.The learned Counsel appearing for the petitioner has drawn the attention of this Court to paragraph No.3 of the affidavit filed in support of this writ petition and would submit that since the concerned organizers had violated the conditions, seven cases came to be registered and however, no progress is seen and though the difficulties faced by the road users in and around the said road has been brought to the knowledge of the concerned authority, permissions are continued to be granted to hold / conduct Public functions and to hold Public meetings, Cultural programmes, Dharna, Agitations etc,. The petitioner in this regard, has also submitted a representation dated 20.06.2017, to the respondents and despite receipt and acknowledgment, no response is forthcoming and the difficulties faced and the grievances expressed have been alleviated and hence came forward to file this writ petition.

5.When the matter was listed for admission on 11.01.2018, this Court has taken note of the submission made by the learned Counsel appearing for the petitioner and asked the learned Government Advocate who accepted notice on behalf of the respondents 1, 3 and 4 to get instructions as to the follow up of the criminal cases registered against the concerned violators and file a status report.

6.The fourth respondent, namely the Inspector of Police has filed the counter affidavit and it is relevant to extract paragraph 3 and 4.

"3.It is submitted that the averment of the petitioner is mostly acceptable for the reasons that the said Jawahar Thidal is situated near Corporation Primary School, Mankavalam Pillai Hospital, City Primary Health Centre with 6 beds for pregnant women and their tender kids. St.Xavier's Church is located a far away distance from Jawahar thidal, but St.Anthony's Church is located very near to Jawahar Thidal on Seevalaperi road. It is admitted that the political party leaders, as and when



conduct the public meeting, cultural programmes, agitations, hunger strike etc., either during the day time or night hours, which would disturb the public, pregnant ladies and their kids, nearby residences etc., Though the persons who attend at Jawahar Thidal for witnessing the meetings, agitations etc., did all the damage to the public health, the Corporation authorities would clear them by switching on their staff to clean them all the time. There is no second opinion that those public meetings, agitations etc., certainly would cause disturbance to commercial establishments, residences and hospitals which are located at proximity. Thought the people who attend the functions consuming liquor would use Jawahar Thidal as their battle field, but it would be countered by the Police personnel who are on duty at the Police Out Post at Market Thidal. The petitioner had marked only the following cases reported during 2016 under Sections 151 Cr.P.C, 143, 153 (A) IPC, 185 IPC, 188 IPC, etc., which were emanated due to those public meeting, agitations, hunger strikes etc.

S.No.	Date	Cr. No.	Offences	Stage
1.	09.02.16	205/16	147, 149, 294(b), 153(A), 506 (i) IPC	UI
2.	09.02.16	206/16	147, 149, 294(b), 153(A), 506 (i) IPC	UI
3.	17.08.16	899/16	151 CrPC	AD
4.	17.08.16	900/16	188, 285 IPC	AD
5.	21.10.16	1088/16	151 CrPC	AD
6.	19.11.16	1176/16	143, 185 IPC	
7.	30.11.16	1216/16	153(A), 295(A), 298, 505, 505 (i) (b), 505(i) (c), 505(2) IPC	UI

4.It is also admitted that the mikes used by the political parties at the time of meetings being held at Jawahar Thidal certainly would cause disturbance to the Corporation School at day times and to the patients taking treatment at the nearby hospitals at all time in a day due to their provocative loud speech. It is also true that the traffic would also be disturbed whenever public meetings, cultural programmes are conducted and at that time generally the traffic would be diverted through the roads which runs on the north-south direction that leads to the South bazaar in front of the old Control Room building or through some other way."

7.It is further stated that the representation submitted by the petitioner is also under consideration and after conducting "All Party Meeting", solutions would be arrived at. The fourth



respondent has also filed the status report dated 09.02.2018, reiterating the stand taken in the counter affidavit and would submit that in respect of seven cases registered, the cases are pending trial.

8.The learned Counsel appearing for the petitioner would submit that in the light of the stand of the fourth respondent in the counter affidavit, as to the difficulties and hardships faced by the public, while conducting the public meetings, agitations etc., in the ground in question, this Court may pass appropriate orders directing the respondents herein not to accord any permission to hold Public meetings, Agitations, Dharnas etc.

9.Per contra, the learned Government Advocate appearing for the respondents 1, 3 and 4 would submit that there cannot be any blanket order of prohibiting any meetings etc., in Jawahar Thidal and solution would be found to abut the said nuisance and inconvenience.

10.This Court has carefully considered the rival submissions and perused the materials placed before it.

11.Though, the right to hold a public meeting is a Fundamental Right, it is always subject to reasonable restrictions. The petitioner who came forward to file this writ petition as a Public Interest Litigation has enumerated the hardship and difficulties being undergone by the public especially pregnant women and school going children on account of the fact of conducting Public meetings, exhibitions, Dharnas, Agitations, cultural programmes etc. and the said fact has also been conceded by the fourth respondent in the counter affidavit and the status report.

12.In the counter affidavit the fourth respondent took a stand that with regard to the shifting of the venue, decision can only be taken in "All Party Meeting" after getting the views of the State holders.

13.The fact remains that on account of the permission being granted to conduct Public meetings, Agitations, Cultural programmes etc, the public are put to greatest inconvenience, hardship and it is also pointed out by the fourth respondent in the writ petition that people who attend the functions used to consume liquor and involve in altercations, which also lead to registration of very many cases and also conceded that the time of the meeting being held would also cause disturbance to the Corporation school as well as to the inmates of the hospital, on account of the fact that loud-speakers are used.

14.This Court, upon hearing the rival submissions and on going through the materials, is of the considered view that the convenience and comfort of the public would definitely prevail over the right to conduct Public meetings, Agitations, Dharnas and Cultural programmes.



15. In respect of registration of very many cases as enumerated in the counter affidavit, not much progress had taken place. Though, the petitioner has submitted the representation as early as on 20.06.2017, even after a lapse of eight months, no proper and effective steps have been taken to identify other venues and it is the stand of the fourth respondent that the said issue can be thrashed out only in "All Party Meeting" with the consultation of the stake holders and it is hardly a satisfactory explanation as to the justification of permissions being granted to conduct the said events in "Jawahar Thidal", Tirunelveli.

16. In the result, the writ petition is disposed of and the respondents are directed not to accord permission to hold public meetings, conduct cultural events, agitations etc., at "Jawahar Thidal" and they are at liberty to find suitable, alternate venue and see to that while choosing the alternate venue, the holding of such events, would not cause hardship and inconvenience to the general public. No costs.

Sd/-

Assistant Registrar (Crl. side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli,
Tirunelveli District.

2. The Corporation Commissioner,
Tirunelveli Corporation,
Tirunelveli,
Tirunelveli District.

3. The Police Commissioner,
Tirunelveli,
Tirunelveli District.

4. The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai, Tirunelveli District.

+1CC to the Special Government Pleader SR.No.47825

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