



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2018

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THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD) No.20189 of 2018

T.Edwin Bright

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order issued to the petitioner by the second respondent dated 18.09.2018, quash the same and consequently direct the respondents to permit the petitioner to conduct 7th Areas Conference of Democratic Youth Federation of India (DYFI), Arumanai Area on 23.09.2018 at Alamparai along with rally of delegates from Aluvilai at 4.00 pm.

For Petitioner : Mr.L.Shaji Chellan
For Respondents : Mr.B.Bhagawathi,
Government Advocate.

ORDER

This writ petition has been filed challenging the order of the second respondent dated 18.09.2018 denying permission to the petitioner to conduct Conference of Democratic Youth Federation of India (DYFI) on 23.09.2018 at Alamparai.

2.The learned Counsel for the petitioner would submit that DYFI has been conducting this meeting for a longtime and the permission is normally granted in the venue that has been sought for by the organizers to conduct the conference. The learned Counsel would further submit that the permission is granted to other organizers and political parties for the very same venue to conduct meetings. The learned Counsel would submit that the impugned order passed by the second respondent is not sustainable.



3. Per contra, the learned Government Advocate would submit that the permission that has been sought for is not only to conduct the conference, but also to hold a rally for about one Kilometre in Arumanai area. The learned Government Advocate, on instructions, would submit that the conducting of rally may not be possible since it will lead to congestion in traffic and will cause a lot of hardship to the people, who are using the road which seems to be the main junction. The learned Government Advocate on instructions has also suggested another venue, which is not acceptable to the petitioner since it is located in a far off place.

4. The meeting is scheduled to be held on 23.09.2018 and not much of time is left for this Court to really venture into the issue as to whether the rally that has been planned to be conducted by the petitioner will cause hardship to the general public or not. In order to strike a via media, this Court is of the view that the conference can be held in the venue which has already been suggested by the petitioner namely Alamparai and the petitioner for the present year can dispense with the conducting of the rally. By taking a decision to this effect, the right of the petitioner to conduct the conference can also be protected and at the same time the apprehension raised by the Police with regard to the problem that may arise by allowing the rally, can also be addressed.

5. In the facts and circumstances of the case, there shall be a direction to the second respondent to permit the petitioner to conduct the conference of DYFI at the venue suggested by the petitioner namely Alamparai on 23.09.2018 from 4.00pm to 8.00pm. It is made clear that the petitioner shall not undertake any rally on that day. The second respondent is further directed to provide sufficient protection for conducting the conference. It is left open to the second respondent to impose any reasonable conditions in order to ensure the peaceful completion of the programme and also to ensure that no law and order problem arises in the programme venue.

6. With the above direction the writ petition is disposed of. The impugned order passed by the second respondent dated 18.09.2018 is hereby set aside.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Kanyakumari District,
Nagercoil.



2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

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