



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESHW.P.(MD)No.20984 of 2018andW.M.P.(MD)No.18753 of 2018

Pon. Murugesan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvarambur range,
Trichy District.

3.The Inspector of Police,
Thuvakudi Police Station,
Trichy District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order in ந.க.எண்.368/கா/து/க/தி.உ.கோ/ dated 02.10.2018 on the file of the respondent No.3 and quash the same as illegal, consequently to direct the respondents for grant permission for conduct agitation on 24.10.2018 from 11.00 am to 01.00 pm any other earliest date at Thuvakudi Old Bus Stand campus by considering petitioner's representation dated 03.10.2018 within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

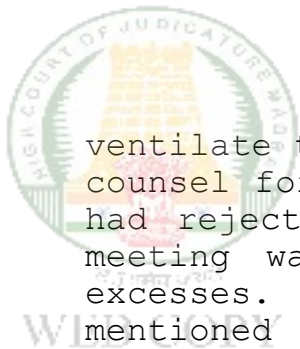
For Respondents : Mr.B.Bhagawathi

Government Advocate

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent rejecting the permission to conduct a public meeting.

2.The petitioner had sought permission of the third respondent to conduct a public meeting on 24.10.2018 at Thuvakudi Old Bus Stand campus. The public meeting was arranged in order to



ventilate the grievances against the police excesses. The learned counsel for the petitioner would submit that the third respondent had rejected the permission only on the ground that the public meeting was arranged to condemn the police for their illegal excesses. Even in the impugned order, the third respondent had mentioned about the orders passed under Section 30(2) of the Police Act. That apart in the impugned order general reasons have been given to the effect that the meeting will cause law and order problem.

3.This Court has repeatedly held that the order passed under Section 30(2) of the police Act, is regulatory in nature and the same cannot be used to stop all the public meetings. The petitioner has the fundamental right to express the grievances with regard to the alleged police excesses. Unless and otherwise, the meeting is not to condemn of any particular officer and the meeting is only to discuss the general trend that is prevailing, this Court is of the view that, it will be within the rights of the petitioner to express the same. The routine reasoning, given by the third respondent that law and order problem will arise, if the meeting is permitted to be conducted, is also totally unacceptable.

4.This Court has repeatedly held that mere possibility of law and order problem arising is not the ground to reject the permission for conducting the meeting. The police is expected to maintain law and order by giving sufficient protection to the citizens.

5.In view of the above, the impugned order dated 02.10.2018 passed by the third respondent is hereby set aside. The third respondent police is directed to grant permission and sufficient protection for the meeting, which is slated to be held on 24.10.2018. It is left open to the third respondent to impose reasonable conditions for the purpose of conducting the public meeting in a peaceful manner without giving rise to any law and order problem. The petitioner is duty bound to comply with the said conditions.

6.This writ petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS-IV)



To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvarambur range,
Trichy District.

3.The Inspector of Police,
Thuvakudi Police Station,
Trichy District.

+1 CC To Mr.R.Alagumani, Advocate SR. NO. 89578

+1 CC TO The Special Government Pleader SR.NO. 89692

W.P. (MD) No.20984 of 2018

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