



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP (MD) No.21033 of 2018

I.Mahendran

...Petitioner

Vs

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

3.The Assistant Commissioner of Police
Thiruparamkundram (Cricle)
Thiruparamkundra Police Station,
Madurai City.

... Respondents

[R-3 impleaded vide order dated
09.10.2018 in WMP (MD) No.19044 of 2018]

PRAYER :- Petition filed under Article 226 of The Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the impugned order of the 3rd respondent dated 08.10.2018 and set aside the same as illegal, consequently direct the 2nd and 3rd respondents to grant police permission and protection to the public meeting on 14.10.2018 at about 04.00 p.m. To 10.00 p.m. at Survey No.228/2 to the extent of 1.51.0 hectares, Survey No.235/1 to the extent of 0.42.5 hectares at Ayanpappakudi Village, Madurai South Taluk, Madurai District.

[Prayer amended vide order dated 09.10.2018 in WMP (MD) No.19054 of 2018]

For Petitioner : Mr.Veerakathiravan,
Senior Counsel for
Mr.K.Anbarasan

For respondents : Mr.Chellapandian,
Additional Advocate Genera,
Assisted by Mr.B.Bhagawathi,
Government Advocate

**ORDER**

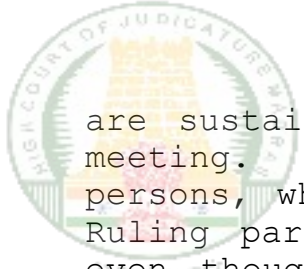
This petition has been filed challenging the order passed by the third respondent dated 08.10.2018 refusing grant of permission to the petitioner to conduct a public meeting.

2.The case of the petitioner is that he is the District Secretary of the Amma Makka Munnetra Kazhagam. The said party wanted to conduct public meeting and also to provide welfare assistance to the public on 14.10.2018. For the said purpose the petitioner had given a representation to the respondents on 04.1.2018. In spite of receiving the representation, since no permission was granted, the writ petition was initially filed for a direction to grant permission and Police protection. However, pending writ petition, the impleaded third respondent has passed the impugned order dated 08.10.2018, denying permission to the petitioner to conduct public meeting.

3.The learned Senior Counsel Mr.Veerakathiravan representing the Counsel for the petitioner would submit that the petitioner wanted to conduct public meeting at Survey Nos.228/2 and 235/1, situated at Ayyapankudi Village, Madurai South Taluk, Madurai District. This property according to the learned Senior Counsel belongs to one Nallarudiay Ayyanar Swamy Trust. The petitioner approached the trust and the management of the trust by a resolution dated 04.10.2018 resolved to permit the petitioner to conduct the public meeting. In the said resolution, certain conditions were also imposed by the management. The resolution passed by the management of the said trust and a letter communicating the said resolution to the petitioner have been filed before this Court. Thereafter, the petitioner had approached the respondent Police seeking for permission and police protection and the same has been rejected by the third respondent Police.

4.The learned Senior Counsel would submit that every time when this party wanted to conduct public meeting, the Government belonging to the Ruling party denies permission or does not give permission and every time this party is forced to approach this Court seeking for permission. Therefore, the Senior Counsel would submit that the permission has been denied only due to political vendetta. The learned Senior Counsel would further submit that the third respondent has now denied the permission, only on the ground that some of the members of the trust have objected to the grant of permission for conducting public meeting. That apart, the third respondent has also stated in the impugned order that there are no particulars with regard to the number of persons who are going to attend the meeting and the number of vehicles that will be brought by the participants to the meeting. The impugned order also proceeds to state that if permission is granted for conducting the meeting, it will give rise to law and order problem.

5.The learned Senior Counsel by pointing out all the reasons stated in the impugned order, would submit that none of the reasons



are sustainable for the purpose of denying permission to conduct meeting. The learned Senior Counsel would further submit that 11 persons, who are said to have given their objection, belong to the Ruling party. No objections have been received from anyone else, even though it is claimed that there are totally seven thousand inhabitants, who are covered under this trust. The learned Senior Counsel would further submit that in view of the paucity of time, the petitioner has decided to postpone the meeting from 14.10.2018 to 28.10.2018.

6. Per contra the learned Additional Advocate General would submit that the third respondent has given sufficient reasons for rejecting permission to conduct public meeting. The learned Additional Advocate General would submit that the property belongs to a trust and several objections have been made by the members of the trust, permitting the property from being put to use for a political meeting. The learned Additional Advocate General also brought to the notice of this Court the fact that 11 persons have given signed objection to the trust. The learned Additional Advocate General also brought to the notice of this Court, that the place where the meeting is proposed to be conducted is enroute to the Mdurai Airport and therefore, if any mishap takes places, it will have serious consequences with regard to the public access to reach the Madurai Airport. The learned Additional Advocate General would further submit that the persons, who have objected to the public meeting have also stated that they will conduct demonstration, if the public meeting is held and therefore, this will unnecessarily create law and order problem.

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

8. As a prelude, it must be stated that every time this political party wants to conduct a public meeting, not even on a single occasion, the police gave permission to conduct the meeting and every time this political party is approaching this Court seeking for permission. This the 4th occasion, wherein this political party has approached this Court in the last 2 ½ months. On all the previous occasions, this Court had granted permission to conduct public meetings and all those public meetings have been conducted in a peaceful manner and there is no complaint before this Court that this political party had violated any condition that have been imposed by the Police. Therefore, the track record of this political party in conducting the public meeting has not come to the adverse notice of the either respondent Police or this Court.

9. The petitioner has identified a particular property belonging to a trust and has sought for permission to conduct the public meeting. The management of the trust had discussed the issue and passed a detailed resolution on 04.10.2018 granting permission to conduct the public meeting by imposing several conditions. Therefore, there is no doubt with regard to the fact that the



property belongs to the trust and the management of the trust having taken a decision to permit the petitioner to conduct the meeting in the property belonging to the trust.

10. Admittedly, even according to the third respondent, only 11 persons out of 7,000/- persons, who are covered under this trust, have objected to grant of permission. This Court does not want to go into the factual aspects, as to whether these 11 people belong to Ruling party. Till the trust comes forward to cancel the permission, the small number of people belonging to the trust, objecting to the permission granted by the trust, by itself is not a ground for the third respondent to deny the permission to conduct public meeting. In fact the third respondent ought not to have considered these objections at all, since it is an interse dispute within the trust. Surprisingly, the majority of the members belong to the trust are in favour of permitting the public meeting to be held, but, however, the small miniscule minority, who have objected to the meeting, has been taken note of by the third respondent, and the same is being made as a reason to deny the permission. The third respondent denying permission to conduct public meeting on this ground, is totally unsustainable.

11. The other reason given by the third respondent is that the petitioner has not informed, as to how many people will attend the meeting and how many vehicles will reach the venue at the time of meeting. The very same party has conducted the meeting in the last 2 ½ months at least on 3 occasions and the Police are aware, as to how many persons attended the meetings and the vehicle population that was involved. It is impossible for the petitioner to state the exact number in this case, since the meeting is conducted by a political party and only an approximate figure can be given with regard to the number of persons, who will attend the meeting and also the number of vehicles that will reach the venue. These particulars can always be sought for by the respondent Police, if in case, permission is going to be granted, so that the respondent Police can, accordingly impose conditions and can also have a fair idea with regard to the size of security that will be required at the time of conducting meeting.

12. The total extent of the property that is covered under Survey Nos. 228/2 and 735/1, works out to the extent of 1.93.5 Hectares, which approximately works out to 2,10,000 Sq.Ft. Therefore, the area is considerably big for the purpose of conducting a public meeting. Taking into consideration the size of the area, the police can also impose necessary conditions in order to ensure that no hardship is caused to the general public and there is no traffic snag caused at the time of the meeting.

13. Even the fact that the venue of the meeting is near the access road, which goes to the Madurai Airport, is also not a reason to reject permission for conducting the meeting. The police can only



impose conditions, in order to ensure that the access road is kept clear and no hardship is caused for the movement of the vehicle going towards and coming from Madurai Airport.

14. The last reason given by the third respondent that the conduct of the meeting will lead to law and order problem is too general a reason to deny permission to conduct public meeting. No such law and problem happened during previous meetings conducted by the same party and the third respondent cannot quote that as a reason without there being any materials to substantiate the same. This Court therefore finds that the impugned order is bereft of any merits and the reasons given by the third respondent to deny permission to conduct the public meeting, are totally unsustainable, for the reasons stated hereinabove.

15. Democracy thrives by giving level playing field to the opposition parties. The check and balance can be maintained in a democracy only when there are opposition parties, pointing out the shortcomings of the Ruling Government. Conducting the public meeting and providing welfare assistance to the public is a fundamental right guaranteed under the Constitution of India and the same cannot be restrained by the respondent Police, unless there are compelling reasons supported by adequate materials. The reasons given by the third respondent to deny the permission to conduct the public meeting, in the considered view of this Court, is unsustainable and the permission has been denied as a matter of routine.

16. It is true that this Court will not interfere with the Administration, more particularly, when it involves the issue of law and order. However, for this Court to restrain itself from interfering, there must be very strong grounds on the side of the respondent Police to show that permitting the public meeting will be detrimental to the interest of general public and will give rise to very serious disruption in maintaining public order, peace and tranquility. None of these contingencies are present in this case. Therefore, merely because the third respondent has stated in the impugned order that permitting the meeting to go on, will cause law and order problem by itself cannot be a ground to reject the permission to conduct the public meeting without there being any strong materials placed before this Court. After all, it is the duty of the respondent Police to maintain law and order.

17. In view of the above, the impugned order passed by the third respondent dated 08.10.2018 is hereby quashed. The second and third respondents are directed to grant permission and provide sufficient police protection to the petitioner to conduct the public meeting on 28.10.2018 from 4.00pm to 10.00pm at Survey Nos.228/2 and 235/1, Ayyapankudi Village, Madurai South Taluk, Madurai District. It is open to the second and third respondents to impose any reasonable conditions, in order to ensure that the public meeting goes on peacefully without giving rise to any law and order problem.



18. Accordingly, this writ petition is allowed. However, there shall be no orders as to costs.

Sd/-

Assistant Registrar (T AND P)

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/True Copy/

Sub Assistant Registrar (CS II)

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To

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Assistant Commissioner of Police
Thiruparamkundram (Cricle)
Thiruparamkundra Police Station,
Madurai City.

3. The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

1CC TO MR. K. ANBARASAN, ADVOCATE SR 90286

DS SKN SAR 2
11 10 2018
6P 5C

Order made in
WP (MD) No. 21033 of 2018
11.10.2018