



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21096 of 2018

A.S.Nabeen Noor Mohamed

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai, Pudukkottai District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai, Pudukkottai District.

3.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 30.09.2018 on the file of the respondent No.3 and quash the same as illegal and consequently direct the respondents 2 and 3 to grant permission to conduct the Public Meeting to the petitioner's movement with Mike and speakers and date in the place of Chinnappa Park, Pudukkottai, Pudukkottai District.

For Petitioner : Mr.V.Selva

For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned order dated 30.09.2018 passed by the third respondent rejecting the permission to conduct a meeting, which was planned to be held on 05.10.2018.

2.The learned counsel for the petitioner would submit that the respondent police had rejected the permission only on the ground that the place, wherein the meeting is planned to be held, is a busy place and permitting the meeting to be conducted would lead to traffic congestion. The other reasons that have been
<https://hccseccourts.mv.in/service> impugned order are that there are hospitals, public park and also other shops, which are located in the place, where the meeting was planned to be held and therefore, if permission is



granted to conduct the meeting in that place, it will cause hardship to the general public. That apart, the impugned order also states that an order has been passed under Section 30(2) of the Police Act and therefore, no permission can be granted for the meeting.

3. It is the specific case of the petitioner that in the very same place, where the meeting was scheduled to be conducted, another meeting was permitted by the very same respondent police one week back. Therefore, the learned counsel for the petitioner would submit that the persons must be treated equally by the police insofar as granting permission for conducting public meeting.

4. The fact that another meeting was held in the very same place one week back, was not denied by the learned Government Advocate. That apart the fact that an order has been passed under Section 30(2) of the police Act cannot impose a total ban for conducting public meetings. The said provision is merely regulatory in nature and the same cannot be used to ban the right of speech and expression.

5. This Court is not convinced with the reasons given by the third respondent to reject the permission for conducting public meeting. Already the date on which the meeting was scheduled to be held is over. In the light of the above, there shall be a direction to the petitioner to submit a fresh representation to the third respondent and give a specific date and time on which the meeting is going to be held. The petitioner is also directed to inform the respondent police with regard to the nature of issue that is going to be addressed during the meeting. The third respondent is directed to grant permission to the petitioner to conduct the meeting. It is open to the third respondent to impose reasonable conditions for the purpose of conducting the meeting in a peaceful manner without giving rise to any law and order problem. The petitioner is duty bound to comply with the conditions imposed by the third respondent.

6. In the result this Writ Petition is allowed with the above direction and the impugned order passed by the third respondent is set aside. No costs.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS-II)



To

- 1.The Superintendent of Police,
Pudukkottai, Pudukkottai District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai, Pudukkottai District.
- 3.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.

+1 CC To MR.V.SELVA, Advocate SR. NO. 89600

+1 CC TO The Special Government Pleader SR.NO. 89703

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