

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. No. 739 of 2019
and
W.M.P. No. 827 of 2019

P.P.Saminathan,
District Secretary -Namakkal West District,
Amma Makkal Munnetra Kazhagam (Ammk),
Kuditheru, Irukkur (Post) , Paramathi Velur Taluk,
Namakkal District - 637 204. Petitioner

Vs.

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Namakkal District, Thiruchengode Road,
Namakkal - 637 003.
2. The Deputy Superintendent of Police,
Paramathivelur Range, Namakkal District.
3. The Inspector of Police,
Paramathi Police Station,
Paramathi - 637 207.
Namakkal District.Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to grant permission to organize and hold a public meeting and distribution of welfare assistance on 19.01.2019 between 4.00 p.m. and 10.00 p.m. in the private vacant land belonging to Mr.M.Shanmugam and Mr.M.Kandasamy, situated adjoining the NH 7 Bye-Pass Road, Paramathi, Paramathi Velur Taluk, Namakkal District, as sought for by the petitioner vide his letter/application dated 31.12.2018 submitted in person to the 3rd respondent.

For Petitioner : Mr. Arun Anbumani

For Respondents : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking for permission to organize and hold a public meeting and distribution of welfare assistance on 19.01.2019 between 4.00 p.m. and 10.00 p.m. in the private vacant land belonging to Mr.M.Shanmugam and Mr.M.Kandasamy, situated adjoining the NH 7 Bye-Pass Road, Paramathi, Paramathi Velur Taluk, Namakkal District, as sought for by the petitioner vide his letter/application dated 31.12.2018 submitted in person to the 3rd respondent.

2. The learned counsel for the petitioner submitted that the Petitioner is the District Secretary, of Amma Makkal Munnetra Kazhagam (AMMK), Namakkal west District which has resolved to distribute welfare assistance and to hold a public meeting at Paramathi, Paramathi Velur, Namakkal District. This public meeting was planned to be conducted on 19.01.2019 between 4.00 p.m. and 10.00 p.m. in a private vacant land. A representation was also given to the third respondent on 31.12.2018 seeking for permission and police protection to conduct the public meeting. Since the third respondent has not considered the said representation, the present writ petition has been filed before this Court.

3. The learned Additional Public Prosecutor on instructions submitted that the date suggested by the petitioner is not feasible for the Police to grant permission since the Jallikattu events will be conducted at Namakkal during that period of time and therefore, the police will not be able to grant police protection for the meeting. The learned Additional Public Prosecutor therefore submitted that the petitioner will have to give an alternative date for the purpose of conducting the public meeting and the same will be considered by the respondent police in accordance with law.

4. The learned counsel for the petitioner submitted that the petitioner will conduct the public meeting on 23.01.2019 and the meeting will be held at the designated place between 4.00 p.m. and 9.00 p.m. The learned counsel therefore submitted that there must be no objection on the part of the respondent police to grant permission and give police protection since the public meeting is to be conducted in a private property and there is sufficient space for conducting the public meeting and for providing parking facilities.

5. This Court has carefully considered the submissions made on either side. The place where the meeting is planned to be conducted is a private property and the petitioner has already entered into a written rental agreement with the owner of the

property in this regard. It is seen that the total extent of the property is 1.4 acres and the same is sufficient for the purpose of conducting the public meeting and for providing parking facilities.

6. The difficulties expressed by the respondent police has also been taken into consideration and the petitioner has given an alternative date on 23.01.2019 and has also suggested that the public meeting will be held between 4.00 p.m. and 9.00 p.m. on the said date.

7. In view of the above, there cannot be any serious objection with regard to the venue in which the public meeting is planned to be conducted and also the date and time suggested by the petitioner. The petitioner is directed to give a fresh representation to the third respondent seeking for permission to conduct the public meeting and police protection on 23.01.2019 between 4.00 p.m. and 9.00 p.m. at NH 7 Bye-Pass Road, Paramathi, Paramathi Velur Taluk, Namakkal District.

8. The third respondent on receipt of the representation, shall grant permission to the petitioner to organize and hold the public meeting. The petitioner while making the representation shall also give a specific undertaking that the petitioner and the party members will not indulge in any violent activities and they will abide by any reasonable conditions that may be imposed by the third respondent for conducting the public meeting. The 3rd respondent shall ensure that the meeting goes on peacefully without giving raise to any law and order problem.

9. Accordingly, the writ petition stands allowed. Consequently, the connected miscellaneous petition is also closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msrm/maya

To

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Namakkal District, Thiruchengode Road,
Namakkal - 637 003.

2. The Deputy Superintendent of Police,
Paramathivelur Range, Namakkal District.

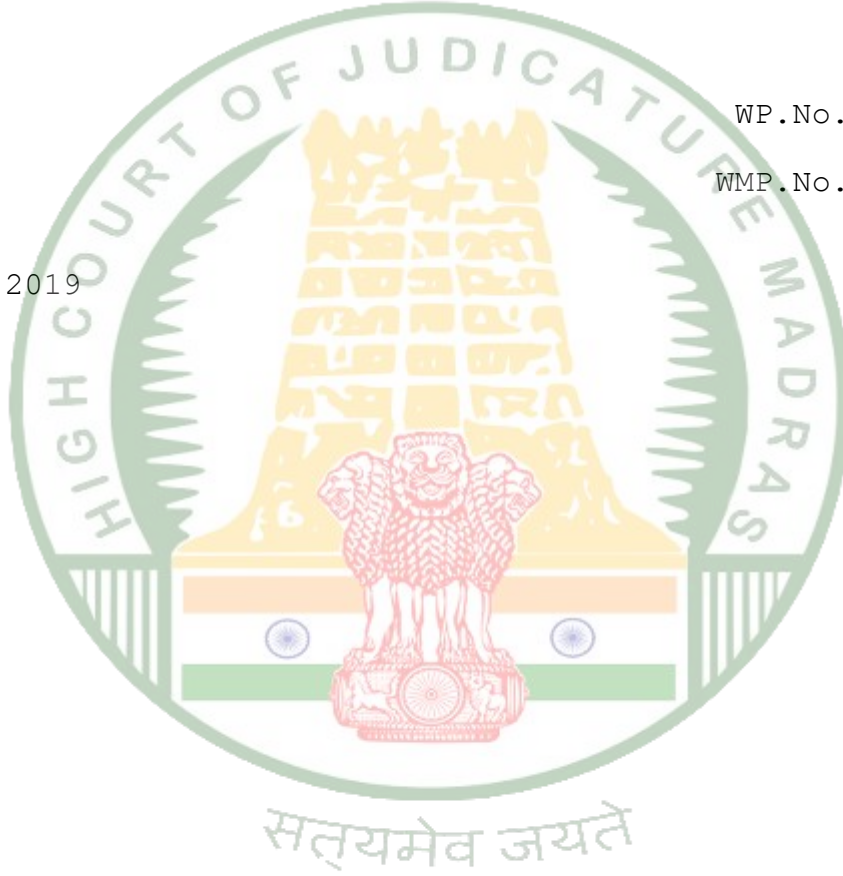
3. The Inspector of Police,
Paramathi Police Station,
Paramathi - 637 207.
Namakkal District.

4. The Additional Public Prosecutor
High Court, Madras.

+1 cc to Mr.Arun Anbumani, Advocate Sr.No.2955

WP.No.739 of 2019
and
WMP.No.827 of 2019

GJ-II(CO)
CSL/11.01.2019



WEB COPY