

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM :

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3731 of 2019

and

WMP.No.4128 of 2019

K.Madhavan

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.

3.The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai,
Thiruvannamalai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing respondents to grant permission to conduct the meeting in memorial of 10th Death anniversary of Muthukumar on 09.02.2019 near Anna Statue, Thiruvannamalai Town as per the representation letter dated 10.01.2019.

For Petitioner : Mr.S.Shankar

For Respondents : Mr.Mohammed Riyaz
Additional Public Prosecutor,

O R D E R

This petition has been filed seeking to direct the respondents to consider the representation of the petitioner dated 10.01.2019 and to grant permission to conduct the meeting in memorial of 10th Death anniversary of Muthukumar on 09.02.2019 near Anna Statue, Thiruvannamalai Town.

2.The petitioner, as the constituency Secretary of Nam Tamizhar Party, Thiruvannamalai Constituency, has conducted several meetings and also organized welfare and awareness program at Thiruvannamalai District. Likewise, it was resolved to conduct a meeting in memorial of 10th Death anniversary of Muthukumar on 09.02.2019, near Anna Statue of Thiruvannamalai Town, which will be addressed by the Chief Co-ordinate Mr.Seeman. Hence, a representation dated 10.01.2019 was given to the 3rd respondent seeking permission to conduct such meeting. Since, no orders have been passed by the 3rd respondent, the petitioner is before this Court with the present petition.

3.The learned counsel for the petitioner submitted that the Naam Tamizhar Party at Thiruvannamalai constituency, have conducted several meetings at Thiruvannamalai without any untoward incidents. He further submitted that the petitioner is ready to even change the venue, if the respondent permits them to conduct the meeting.

4.The learned Additional Public Prosecutor would submit that the petitioner's representation dated 10.02.2019 is pending with the 3rd respondent. He further submitted that on the said representation, the 3rd respondent sent a reply letter stating that there are objections from the Gokula Makkal Party, Akila India Maha Sabhai and Hindu Munnani Party objecting for the conduct of public meeting on 09.02.2019. He further submitted that petitioner and his party members were periodically conducting meetings in which they used to attack other community people and also create public tranquility by attacking other caste, religion and community. He submitted that the place in which the meeting to be conducted by the petitioner is a busy area in Thiruvannamalai Town and if the petitioner is permitted to conduct meeting, definitely law and order problem would arise and would cause great hardship to the respondents as well as to the general public. He further submitted that if any other place/venue for conducting the meeting is informed, the petitioner's representation will be considered in accordance with law. He further more submitted that the petitioner has to file an affidavit to the effect that they will not touch upon the other caste, religion or the community in the meeting.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

6. The learned counsel for the petitioner on instructions would submit that the venue to conduct the meeting have been changed and it is now proposed to be conducted at Gandhi Mythanam at Tiruvannamalai instead of Anna Statue and accordingly sought permission to conduct the meeting.

7.Considering the facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner that the venue has been changed to Gandhi Mythanam, the 3rd respondent is directed to grant permission to the petitioner to conduct a meeting in memorial of 10th Death anniversary of Muthukumar on 09.02.2019 at Gandhi Mythanam Thiruvannamalai on imposing the following conditions:

(i)The meeting shall be conducted between 6.00 p.m and 10.00 p.m.

(ii)There shall not be any speech touching upon any caste, community or religion. It is made clear that if the speakers touch upon any other subject, other than the permitted one, it is open to the respondents to take appropriate action in the manner known to law.

(iii)It is open to the respondents to videograph the meeting and the petitioner cannot prevent them from doing so.

(iv)The Public Address System should be within the permissible decibels.

(v)The respondents are at liberty to impose any other suitable conditions to maintain law and order.

8.The petitioner has to file an affidavit to the effect that they will not touch upon the other caste, community or religion in their speech during the meeting and will not create any law and order problem.

9.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

rm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2.The Deputy Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.

3. The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai,
Thiruvannamalai District.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Shankar, Advocate, S.R.No.11272

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and
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NRJK (CO)
KAK (08/02/2019)



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