

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.02.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
W.P.No.5190 of 2019

C.Panbu

...Petitioner

Vs.

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

2.The Inspector of Police,
Jolarpet Police Circle,
Incharge Town Police Station,
Tirupattur,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.En.14/TPT TNPS/2019 dated 16.02.2019 and quash the same and consequentially direct the second respondent to consider the representation of the petitioner dated 12.02.2019 and permit the petitioner to conduct a demonstration.

For Petitioner : Mr.K.S.Jeyaganeshan

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

ORDER

This petition has been filed to quash the order passed by the second respondent in Na.Ka.En.14/TPT TNPS/2019 dated 16.02.2019 and consequently direct the second respondent to consider the representation of the petitioner dated 12.02.2019 and permit the petitioner to conduct a demonstration.

2. By consent, the writ petition itself is taken up for final disposal.

3. The learned counsel for the petitioner submitted that the petitioner gave representation to the second respondent on 12.02.2019 for conducting protest meeting in front of the Sub-Collector Office, Tirupattur on 26.02.2019 at 10.30 A.M. to 6.00 P.M., for expedition the issuance of the community certificates belongs to the children of Kurumbans Community. But the second

respondent by an order dated 16.02.2019 rejected permission, without considering the facts and circumstances of the case. Hence, he prays to allow this petition.

4. The learned Additional Public Prosecutor would submit that during the year 2009, when the respondent police had granted permission for the same protest, the protector made hindrance to the Sub Register Office, Tirupathur and cooked the food and hence, if the petitioner is allowed to conduct the protest meeting, they will do the same thing. Therefore, this writ petition is liable to be dismissed.

6. Heard Mr.K.S.Jeyaganeshan, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

7. It is seen that the petitioner gave representation to the second respondent on 12.02.2019 for conducting protest meeting and the same was rejected on the ground that on the earlier occasion, they cooked the food at the place of venue and made hindrance to the traffic. The learned Additional Public Prosecutor submitted that the request will be considered, if the petitioner gave an undertaking that they will not disturb the Government office.

8. Considering the above facts and circumstances of the case, this Court is inclined to quash the impugned order dated 12.02.2019 passed by the second respondent, on the following conditions :-

The petitioner is directed to submit fresh representation to the second respondent for conducting protest meeting with an undertaking that they will not disturb any Government office at any cost, and shall not cook any food, and not fix anything on the venue. On receipt of the said representation, the second respondent is directed to grant permission and to provide adequate police protection for the protest meeting, subject to the following conditions:

a) the protest meeting for expedition the issuance of community certificate belonging to the children of Kurumbans community should be completed before 6.00 p.m., or within the time permitted by the respondents.

(b) no songs, touching upon any political party or religion, community or caste be played;

(c) no flex boards in support of any political party or religious leader be erected;

(d) the public meeting should not affect either religious or communal harmony and shall be conducted without any discrimination based

on caste;

(e) if there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law.

(f) similarly, the Police is empowered to stop the meeting, if it exceeds beyond the permitted time;

(g) the participants of the meeting shall not intake any kind of in-toxic substance or liquor during the meeting; and

(h) if any untoward incident takes place, the organizers of the meeting be made responsible for the same.

It is open to respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity.

9. With the above observations and directions, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rts
To

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

2.The Inspector of Police,
Jolarpet Police Circle,
Incharge Town Police Station,
Tirupattur,
Vellore District.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.S.Jeyaganeshan, Advocate, S.R.No.16501

W.P.No.5190 of 2019

AD(CO)
GSP(25/02/2019)