

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5136 of 2019
and W.M.P.No.5851 of 2019

Dr.A.Rajaram

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Perur Police Station,
Perur, Coimbatore - 641 010.

2. The Sub Inspector of Police,
Madukarai Police Station,
Madukarai (Post)
Coimbatore - 641 105.

... Respondents

Prayer :

This petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 19.02.2019, passed by the second respondent and quash the same consequently direct the respondents to grant permission public meeting to conduct 102nd birth anniversary of former Chief Minister beloved late Dr.M.G.Ramachandran (M.G.R) on 03.03.2019 or on the date to be fixed by this Court.

For Petitioner : Mr.P.Athiveera ramapandian

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

ORDER

This Writ Petition has been filed for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 19.02.2019, passed by the second respondent and quash the same consequently direct the respondents to grant permission public meeting to conduct 102nd birth anniversary of former Chief Minister beloved late Dr.M.G.Ramachandran (M.G.R) on 03.03.2019 or on the date to be fixed by this Court.

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

3. The petitioner averred that he is the Secretary of Madukarai Union, Amma Makkal Munetra Kazhagam and his political party founded by Late M.G.Ramachandran (MGR) the former Chief Minister of Tamilnadu. On earlier occasion, the petitioner submitted representations to the respondents on 09.01.2019, 19.01.2019 and 25.01.2019 seeking permission to conduct a public meeting to celebrate 102nd birth anniversary of Former Chief Minister Late M.G.Ramachandran, but the same was not considered by the respondents. Thereafter as per the direction of this Court in W.P.No.3150 of 2019 dated 04.02.2019, the petitioner gave a representation on 07.02.2019, to the respondents seeking permission to conduct the above said meeting. But the second respondent, without providing any opportunity, mechanically rejected permission by an order dated 19.02.2019, for the reason that there is a possibility of causing hindrance to public and traffic in that particular locality. Hence, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that this Court repeatedly directs the police officials to grant permission to conduct public meeting and other related programmes with certain conditions. Therefore, he prayed to quash the impugned order and prayed to grant permission to conduct the above said public meeting on 03.03.2019 or on the date fixed by this Court.

5. The learned Additional Public Prosecutor for the respondents submitted that if the petitioner is allowed to conduct the public meeting there will be a hindrance to public and traffic. Therefore, this writ petition is liable to be dismissed.

6. Heard Mr.P.Athiveera ramapandian, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

7. The petitioner is the Secretary of Madukarai Union, Coimbatore Suburban District of Amma Makkal Munetra Kazhagam Political Party. His party members decided to conduct a public meeting commensurate the birth anniversary of former Chief Minister beloved late M.G.Ramachandran near Madukarai bus stand on 19.01.2019 and also to distribute welfare articles to the public. By Order dated 17.01.2019, the second respondent rejected permission sought for by him to conduct public meeting. Once again, the petitioner submitted another representation dated 19.01.2019, and the same was also not considered, as such the petitioner approached this Court in W.P.No.1983 of 2019.

When the matter came for admission, it was also rejected and as such this Court directed the petitioner to make a fresh representation specifying different venue and time. Accordingly, the petitioner on 25.01.2019, submitted another representation to conduct public meeting to be held on 03.03.2019 near Marapalam bus stand. It was also not considered, as such the petitioner approached this Court in W.P.No.3150 of 2019 and this Court by an order dated 04.02.2019, permitted the petitioner to make fresh representation to the second respondent and also directed the second respondent to consider the same within a period of two weeks. Again the second respondent rejected the request of the petitioner for the reasons that there will a hindrance to the public and traffic at the place sought to be conducted the public meeting. Hence, the present writ petition.

8. It is seen that the petitioner on three times approached this Court to celebrate 102nd birth anniversary of former Chief Minister late Dr.M.G. Ramachandran (M.G.R) and also changed their venue. The learned Additional Public Prosecutor submitted that the request will be considered, if the petitioner changed the place and date of the meeting.

9. Accordingly, the impugned order dated 19.02.2019 passed by the second respondent is quashed. Further, considering the above facts and circumstances of the case, the following directions are issued:-

The petitioner is directed to submit fresh representation to the second respondent for the public meeting to be conducted near Madukarai Marker, Coimbatore held on 01.03.2019 between 6.00 to 10.00 p.m., forthwith. On receipt of the said representation, the second respondent is directed to grant permission and to provide adequate police protection for the public meeting to be conducted on 01.03.2019 near Madukarai market during the time between 6.00 to 10.00 p.m., subject to the following conditions:

a) the public meeting to celebrate the birth anniversary of Former Chief Minister Late M.G. Ramachandran, scheduled to be held on 01.03.2019 should be completed before 10.00 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 and stop such performance;

(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.

10. 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.

11. This writ petition is allowed with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rts

To

1. The Deputy Superintendent of Police,
Perur Police Station,
Perur, Coimbatore - 641 010.

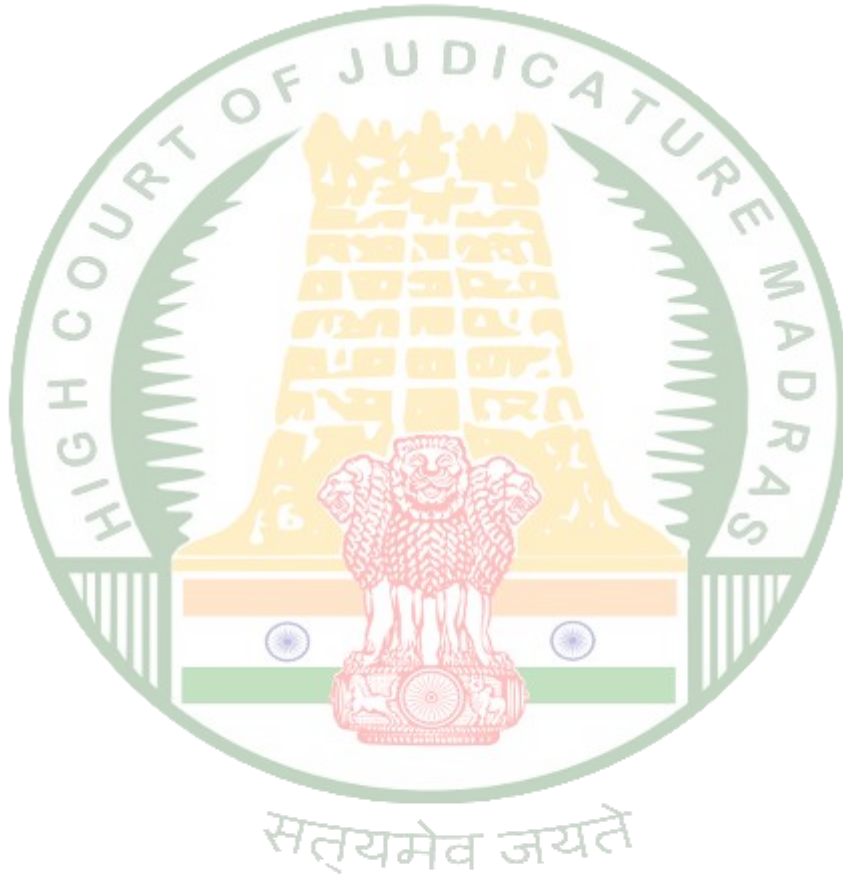
2. The Sub Inspector of Police,
Madukarai Police Station,
Madukarai (Post)
Coimbatore - 641 105

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.Athiveera ramapandian, Advocate, S.R.No.16520

W.P.No.5136 of 2019 and
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MP (Co)
CS/25/02/2019



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