

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5336 of 2019
and
W.M.P.Nos.6065 & 6061 of 2019

M.D.Muthu

... Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Collector Office Road,
Villupuram - 605 602.

3.The Inspector of Police,
Tindivanam Police Station,
Tindivanam - 604 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, directing to call for the records of the proceedings dated 18.02.2019 and bearing C.No.04/TDM/CIRCLE/2019 on the file of the third respondent and to quash the same as illegal and unconstitutional, and to consequently direct the first, second and third respondents to grant permission to the petitioner and his party members to conduct public meeting and to conduct welfare program to poor and needy people and for the school children, to celebrate birthday of our former Chief Minister's Late Dr.J.Jayalalitha (Amma) in Tindivanam, Gandhiyar Thidal, on 26.02.2019 at 4.00 pm.

For Petitioner : E.Aadith Vijay

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

O R D E R

This Writ Petition has been filed challenging the order passed by the third respondent dated 18.02.2019, bearing C.No.04/TDM/CIRCLE/2019, thereby rejecting the request made by the petitioner to conduct a public meeting and to conduct welfare program to poor and needy people and for the school children to celebrate birthday of the former Chief Minister of Tamil Nadu.

2. It is seen that the third respondent rejected the request made by the petitioner for the reason that the proposed place for conducting the meeting is a very crowded place and if meeting is conducted in the proposed place, it will cause hindrance to the public. Moreover, there are schools and as such it will affect the students. Therefore, the request made by the petitioner has been rejected.

3. It is however seen that the place where the meeting is to be conducted by the petitioner is Gandhiyar Thidal and this venue is meant for conducting public meetings by all the parties. Therefore, the reason stated by the third respondent cannot be sustained. Considering the above facts and circumstances, the impugned order dated 18.02.2019 in C.No.04/TDM/CIRCLE/2019 passed by the third respondent is set aside.

4. The earlier request made by the petitioner to conduct public meeting is on 26.02.2019 however, the date of public meeting is now over and as such the petitioner is directed to submit a fresh representation on 27.02.2019 for conducting a public meeting on 28.02.2019 in the same venue, to the third respondent. On receipt of such representation from the petitioner, the third respondent is directed to consider the same on the same day and grant permission to the petitioner to conduct the public meeting on the eve of celebrating the 71st birthday of former Chief Minister of Tamil Nadu at Gandhiyar Thidal, Tindivanam, subject to the following conditions:

a) the public meeting to celebrate the 71st birthday of former Chief Minister of Tamil Nadu, scheduled to be held on 28.02.2019, should be start from 6.00 p.m., and 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 petitions are closed.

at/raja

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Collector Office Road,
Villupuram - 605 602.

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3. The Inspector of Police,
Tindivanam Police Station,
Tindivanam - 604 001.

4. The Additional Public Prosecutor
High Court, Madras.

5. The Govt.Pleader,
High Court, Madras.

+1cc to Mr.E. Aadith Vijay, Advocate, SR.NO.17458.

W.P.No.5336 of 2019 and
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CP (CO)
kak(26/02/2019)



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