

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

WP No.11754 of 2019

A.Valluvarasan

... Petitioner

Vs.

1. The Returning Officer of
Coimbatore Parliamentary Constituency
cum District Collector,
Collectorate,
Coimbatore - 641 018.

2. Single Window / Admission Section Officer (Incharge),
20 Coimbatore Parliamentary Constituency and the
Assistant Commissioner of Police,
Anti-Land Grabbing Cell,
Coimbatore City, Coimbatore District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of
certiorarified mandamus, calling for the records from the 2nd
respondent pertaining to denial of conducting public meeting
vide letter Na.Ka.No.491/P/SWS/20 CBEP/2019 dated 10.04.2019
and quash the same and consequently direct respondents to give
the permission to conduct the public meeting on 15.04.2019 at 5
PM in Ther Veethi, Sowripalayam, Coimbatore.

For Petitioner : Mr.P.Saravanan

For Respondents: Mr.Niranjana Rajagopalan
Standing Counsel for ECI

ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

Mr.A.Valluvarasan, stated to be the District Convenor of
Coimbatore District Revolutionary Youth Front has made an
application dated 08.04.2019 to the Single Window / Admission
Section Officer (Incharge), 20 Coimbatore Parliamentary

Constituency and the Assistant Commissioner of Police, Anti-Land Grabbing Cell, Coimbatore City, Coimbatore District, the 2nd respondent for permission to conduct a public meeting on 15.04.2019 at Ther Veethi, Sowripalayam, Coimbatore, between 5 PM and 10 PM.

2. Request of the petitioner has been rejected vide proceedings in RC No.491/P/SWS/20 CBEPC/2019 dated 10.04.2019, which is extracted hereunder.

Na.Ka.No.491/P/SWS/20 CBEPC/2019 dated
10.04.2019

Sub: Election 2019- 20 Coimbatore Parliamentary
Constituency - sought for permission to
conduct public meeting to support DMK
alliance at 15.04.2019, on
Sowripalayam, Cart Street, Coimbatore at
about Evening
5PM to 10 PM reg.

Ref: 1) petition dated 08.04.2018 by
Valluvarasan, District
Convenor, Revolutionary Youth Front,
Kurnichi Colony,
Thangam Trade Complex, Sulur, Coimbatore
District.
2) Report of Inspector of Police, E-2,
Peelamedu Police
Station, dated 02.04.2019.

Order:

In view of Ref.1 of letter dated Valluvarasan,
District Convenor, Revolutionary Youth Front,
Kurnichi Colony, Thangam Trade Complex, Sulur,
Coimbatore District, has sought for permission to
conduct public meeting to support DMK alliance at
15.04.2019, on Sowripalayam Cart Street, Coimbatore
at about Evening 5PM to 10 PM.

2. While considering above petition and with
reference of cited as 2, report of Inspector of
Police, E2, Peelamedu Police Station dated
02.04.2019, if the permission for public meeting
given, it will create law and order problem. Based on
the report, the permission is rejected.

/sd/

Single Window / Admission Section Officer (Incharge),
20 Coimbatore Parliamentary Constituency and the
Assistant
Commissioner of Police, Anti-Land Grabbing Cell,
Coimbatore City, Coimbatore District.

3. Yesterday, when the matter came up for hearing, due to paucity of time and taking note of the time of the meeting 5PM scheduled on 15.04.2019, Mr.P.Saravanan, learned counsel for the petitioner made a request for grant of permission for the meeting to be conducted on 16.04.2019. Considering the request, we directed Mr.Niranjan Rajagopalan, learned counsel for Election Commission of India, to ascertain the reasons as to why meeting proposed on 15.04.2019 was rejected, when the said Revolutionary Front has been granted permission to conduct meeting at someother places. That apart, we also noticed except stating that there would be likelihood of law and order problem, no specific instances were quoted.

4. Reverting at 4.20 PM, on 15.04.2019, Mr.Niranjan Rajagopalan, learned counsel for Election Commission of India submitted papers as to why meeting proposed on 15.04.2019 was rejected. We directed the Registry to post the matter on 16.04.2019 in the motion list. Thus, it is listed today.

5. On instructions from the Assistant Commissioner of Police, Law & Order (East), Coimbatore City, Coimbatore, Mr.Niranjan Rajagopalan, learned counsel for Election Commission of India submitted that the Assistant Commissioner of Police, Law & Order (East), Coimbatore City, Coimbatore, has stated that permission may be granted to the writ petitioner, at someother non-sensitive public meeting place with stipulated conditions.

6. From the reading of the instructions, given to the learned Additional Government Pleader, it could be seen that according to the Assistant Commissioner of Police, Law & Order (East), Coimbatore City, Coimbatore, the place demanded by the petitioner is hyper sensitive on National Integrity / political point of view. Over the past 3 years, one murder case, one murder for gain case, one attempt to murder case, seven hurt cases have reported. He has further stated that revenge / retaliation assault incidents are frequently reported at Sowripalayam, making it a sensitive pocket.

7. Mr.Niranjan Rajagopalan, learned counsel for Election Commission of India submitted that the 2nd respondent has stated that Sowripalayam is a sensitive pocket, on all points of view, however, permission may be granted to the petitioner to have the public meeting at some other non sensitive place, subject to conditions. Submission of Mr.Niranjan Rajagopalan, learned counsel for Election Commission of India, is placed on record.

8. Though, Mr.P.Saravanan learned counsel for the petitioner, insisted for permission for the public meeting at

the place, initially sought for, i.e., vide representation dated 08.04.2019, Mr.Niranjan Rajagopalan, learned counsel for Election Commission of India submitted that the Single Window / Admission Section Officer (Incharge), 20 Coimbatore Parliamentary Constituency and the Assistant Commissioner of Police, Anti-Land Grabbing Cell, Coimbatore City, Coimbatore District, 2nd respondent, had already spoken to the organizers, who had agreed to conduct the meeting, at someother place.

9. In view of the above, permission is granted to the writ petitioner to have public meeting at some other non sensitive place, subject to conditions. Writ petition is disposed of, accordingly. No Costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Returning Officer of
Coimbatore Parliamentary Constituency
cum District Collector,
Collectorate,
Coimbatore - 641 018.

2. Single Window / Admission Section Officer (Incharge),
20 Coimbatore Parliamentary Constituency and the
Assistant Commissioner of Police,
Anti-Land Grabbing Cell,
Coimbatore City, Coimbatore District.

+1cc to Mr.P.Saravanan, Advocate Sr.37273

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srg 22/04/2019