

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.16874 of 2019

S.Kamatchi Prabhu

Petitioner

vs.

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

2.The Inspector of Police,
Perundurai Police Station,
Perundurai, Erode District.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other writ or order or direction in the nature of writ by calling for the records on the file of the 2nd respondent in proceeding dated 05.06.2019 and quash the same and consequently direct the respondents to grant permission to conduct protest meeting on any other day at protest meeting spot near Perundurai New Bus Stand, Perundurai, Erode District.

For Petitioner : M/s.R.Rajiv Gandhi

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Writ petition has been filed challenging the order of rejection passed by the second respondent denying permission to the petitioner to conduct the agitation which was proposed to be held on 09.06.2019.

2. The learned counsel for the petitioner submitted that the petitioner is the Secretary of a registered Political Party and the representation was made to the second respondent seeking permission to conduct a protest meeting on 09.06.2019 at Perundurai New Bus Stand to urge the Government to take effective steps to release the seven convicts, who are serving imprisonment in the former Prime Minister Rajiv Gandhi Assassination case. The permission was denied by the second respondent on the ground that the venue which was selected is a very crowded place and it will cause hardship to the general public. The other reason that was given in the impugned order

was that there is already a prohibition order passed under Section 30(2) of the Act and that there is an apprehension of law and order problem.

3. The learned counsel for the petitioner submitted that insofar as the venue is concerned, the police can suggest some other venue and the agitation can be conducted in the suggested place. The learned counsel submitted that other grounds that have been mentioned in the impugned order are all unsustainable.

4. The learned Additional Public Prosecutor on instructions submitted that the petitioner can choose Bungalow street, Perundurai as venue and make a fresh representation to the second respondent in that regard and the said representation will also be considered.

5. Taking into consideration, the facts and circumstances of the case, the petitioner is directed to make a fresh representation to the second respondent by choosing his venue as Bungalow street, Perundurai and also indicating the date and time of the agitation. The representation shall be considered by the second respondent and necessary permission shall be granted by imposing reasonable conditions and by getting the necessary undertaking from the petitioner.

6. This Writ petition is disposed of with the above directions. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Perundurai Police Station,
Perundurai, Erode District.

3. The Public Prosecutor,
High Court of Madras, Madras.

+1cc to Mr.M/s.R.Rajiv Gandhi , Advocate SR.No. 49978

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A.SK(20/06/2019)