

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.06.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.16931 of 2019
and W.M.P No.16507 of 2019

M.Kanniappan

Petitioner

vs.

1. The Government of Tamil Nadu
Rep by its Chief Secretary,
Fort St. George,
Chennai-1.

2. The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.

3. The Commissioner of Police,
Greater Chennai City Police,
Chennai.

4. The Inspector of Police,
Esplanade Police Station,
Chennai.

5. Gunavarman,
The Inspector of Police,
Esplanade Police Station,
Chennai.

6. The Manager,
YMCA Hall,
N.S.C., Bose Road,
Parry, Chennai - 600 001.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd and 4th respondents herein to grant permission for conducting the seminar meeting in YMCA Hall, N.S.C. Bose Road, Chennai on 17.06.2019 at 4.00 p.m. with proper police security.

For Petitioner : Mr.Stalin Abimanyu

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor (For R1 to R5)

ORDER

This petition has been filed for a direction to the respondent police to grant permission to the petitioner to conduct the seminar/meeting in YMCA Hall at N.S.C. Bose Road, Chennai.

2. This Court of the considered view that the respondents 1 to 3 and 5 are not necessary parties in this writ petition and accordingly, these respondents are deleted. Only the Inspector of Police and the YMCA shall be parties in this writ petition.

3. The learned counsel for the petitioner submitted that the BSNL Employees Union wanted to conduct a seminar on 17.06.2019 at 4.00 p.m. to oppose the US interventions in Venezuela, against the democratically elected government of that country. The petitioner has also booked hall with YMCA by paying the necessary charges. All of a sudden, YMCA has informed the petitioner that the jurisdictional police is objecting to the meeting and that the meeting cannot be permitted without getting permission from the concerned police. In such circumstances the YMCA, Madras cancelled the permission and also wanted to refund the amount paid towards rent by the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner and his union have the fundamental right to freedom and expression and they cannot be prevented from expressing their views on certain policy decisions taken by the United States of America. The learned counsel further submitted that the meeting is conducted like a seminar within a closed hall and there is no requirement to take permission from the police. The learned counsel further submitted that the petitioner undertakes that there will be no law and order problem and that the entire seminar will be conducted in a peaceful manner.

5. The learned Additional Public Prosecutor, on instructions, submitted that the Inspector of Police, Esplanade Police Station got an information that there is a rival group which is objecting the said seminar and it is going to stall the meeting and because of the same, there is going to be a law and order problem. Therefore, the respondent police had informed YMCA about this and in turn YMCA has also cancelled the meeting. The learned counsel further submitted that, it is true that the meeting is going to be held inside hall. However if there is any rival party who is going to cause any law and order problem, at

that point of time the police will have to necessarily intervene to stop any untoward incidents.

6. This Court has carefully considered the submissions made on either side.

7. The only reason why the respondent police is insisting the petitioner to take permission is that there is a rival group which is attempting to prevent the conduct of the meeting and may cause a law and order problem at which point of time the police will have to necessarily intervene. The learned counsel for the petitioner has assured that the seminar will be conducted in a peaceful manner and that the petitioner undertakes that no law and order problem will be created as apprehended by the respondent police.

8. From the letter submitted before this Court which has been addressed by the YMCA towards the BSNL Employee Association dated 17.06.2019, it is seen that the YMCA has cancelled the booking and has offered to refund the advance amount. If such a decision is already taken by the YMCA, this Court cannot pass any orders without affording an opportunity to YMCA, Madras. However, if the petitioner is in a position to impress upon YMCA, Madras to permit the conduct of the meeting/seminar, it is for the YMCA, Madras to take decision in that regard. The petitioner has undertaken that there will be no law and order problem and the entire seminar will be conducted in a peaceful manner. This undertaking is recorded.

9. This Writ petition is disposed of by giving liberty to approach the YMCA, Madras to permit them to conduct the meeting/seminar by giving written undertaking that the meeting will be conducted in a peaceful manner without any law and order problem. It is made clear that, if there is any law and order problem created during the meeting/seminar, the petitioner and the BSNL Employees Association will take the entire responsibility for the same. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

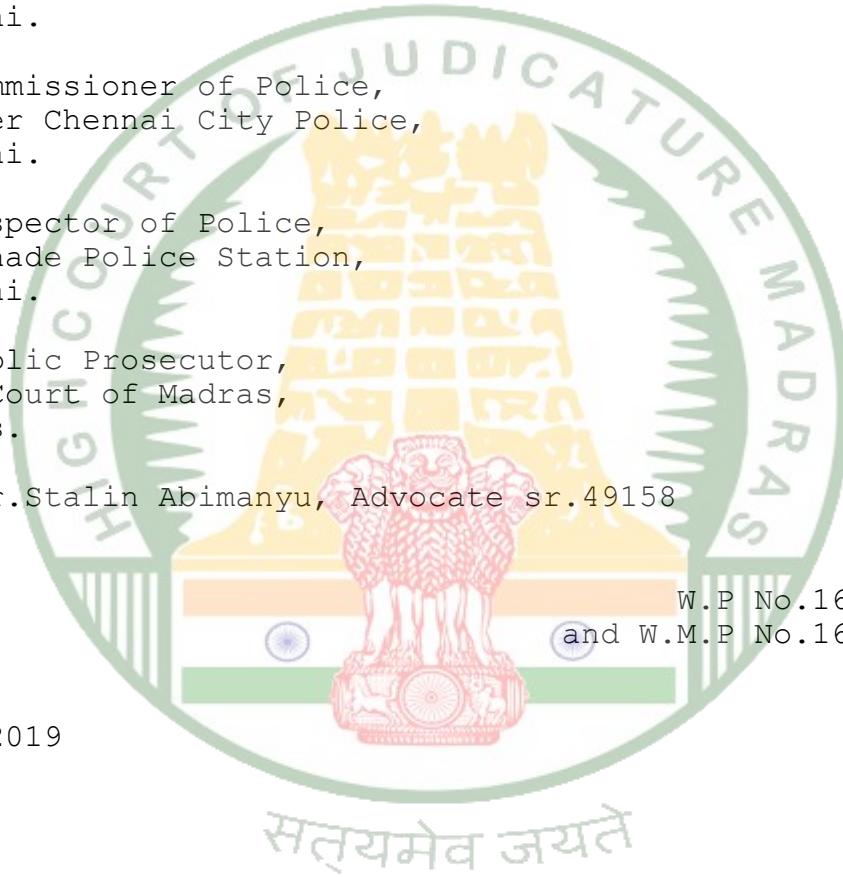
To

1. The Chief Secretary,
Government of Tamil Nadu
Fort St. George,
Chennai-1.
2. The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.
3. The Commissioner of Police,
Greater Chennai City Police,
Chennai.
4. The Inspector of Police,
Esplanade Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.Stalin Abimanyu, Advocate sr.49158

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nr 17/06/2019



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