

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. No.17776 of 2019
and W.M.P.No.17181 of 2019

C.Loganathan,
Secretary (in charge)
Kuniamuthur Division DMK Party
No.43, Min Nagar,
Kuniamuthur,
Coimbatore.

.... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Law and Order,
Coimbatore City
Coimbatore.
2. The Assistant Commissioner of Police,
Law and Order,
Coimbatore City
Coimbatore.
3. The Inspector of Police,
Law and Order,
D-4 Police Station,
Coimbatore City
Coimbatore.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of pertaining to the impugned order in Ref No. Na. Ka. No.365/A/Kaa. Thu. Aa. / Sa.O./Ko.Maa/2019 dated 20.06.2019 passed by the 1st respondent and quash the same; consequently direct the respondent to permit the petitioner to hold a public meeting on 22.06.2019 between 5.00 p.m to 10.00 p.m near Gandhi Nagar by considering the petitioner's representation dated 15.06.2019.

For Petitioner

: Mr. P.Wilson
Senior counsel for
Mr.R.Neelakandan

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

ORDER

This writ petition has been filed challenging the rejection order passed by the 1st respondent denying permission to the petitioner to conduct the public meeting slated to be held on 22.06.2019.

2. Mr.P.Wilson, the learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner made a request to the respondent police to conduct a public meeting on 22.06.2019 between 5.00 p.m and 10.00 p.m near Gandhi Nagar at Coimbatore city. This representation was given by the petitioner on 15.06.2019.

3, The learned Senior Counsel further submitted that the petitioner had made all the arrangements and several leaders are also going to attend in the said meeting. While so, the 1st respondent has passed the impugned order rejecting the permission to conduct the public meeting only on the ground that the public meeting will cause hindrance to the general public, since already there is a traffic diversion and the venue is not earmarked for conducting public meeting.

4. The learned Senior Counsel submitted that this impugned order has been passed at the last minute without giving any opportunity for the petitioner even to suggest an alternative venue. However, the petitioner himself volunteered through his letter dated 21.06.2019 to fix the venue at a different place as may be decided by the respondent police. Since no decision has been taken thereafter, the present writ petition has been filed before this Court.

5. The Additional Public Prosecutor on instructions submitted that the venue where the public meeting is scheduled to be held is facing traffic congestion and it is not possible to give permission to hold the meeting since it will cause hindrance to the general public. The learned counsel further submitted that the petitioner can conduct the meeting at a different venue and the respondent police will consider granting permission by taking into consideration, the suitability of the changed venue.

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

7. The meeting is slated to be conducted on 22.06.2019 between 5.00 p.m to 10.00 p.m and already arrangements have been made. The 1st respondent has rejected the permission on 20.06.2019. The petitioner is also willing to conduct the public meeting in a different venue than the one that was suggested earlier.

8. Mr. Wilson, the learned Senior Counsel appearing on behalf of the petitioner submitted that the venue can be changed to Kulathupalayam Road, Coimbatore which is situated away from the earlier venue suggested by the petitioner and no disturbance will be caused to the general public. The learned Senior Counsel further submitted that this alternative venue is being put to use for conducting public meeting regularly. The learned Senior Counsel further submitted that there is also a police station which situated near the venue.

9. Taking into consideration, the facts and circumstances of the case and also the paucity of time and also of the fact that all arrangements have already been made, there shall be a direction to the petitioner to make a representation to the 1st respondent to conduct the public meeting on 22.06.2019 between 5.00 p.m to 10.00 p.m at Kulathupalayam Road, Coimbatore and the 1st respondent, on receipt of the representation shall grant permission for conducting the public meeting by imposing reasonable conditions and also shall provide police protection. The 1st respondent shall ensure that the entire public meeting goes on peacefully without giving rise to any law and order problem. The petitioner shall comply with the conditions imposed by the 1st respondent.

10. This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Commissioner of Police,
Law and Order,
Coimbatore City
Coimbatore.

2. The Assistant Commissioner of Police,
Law and Order,
Coimbatore City
Coimbatore.

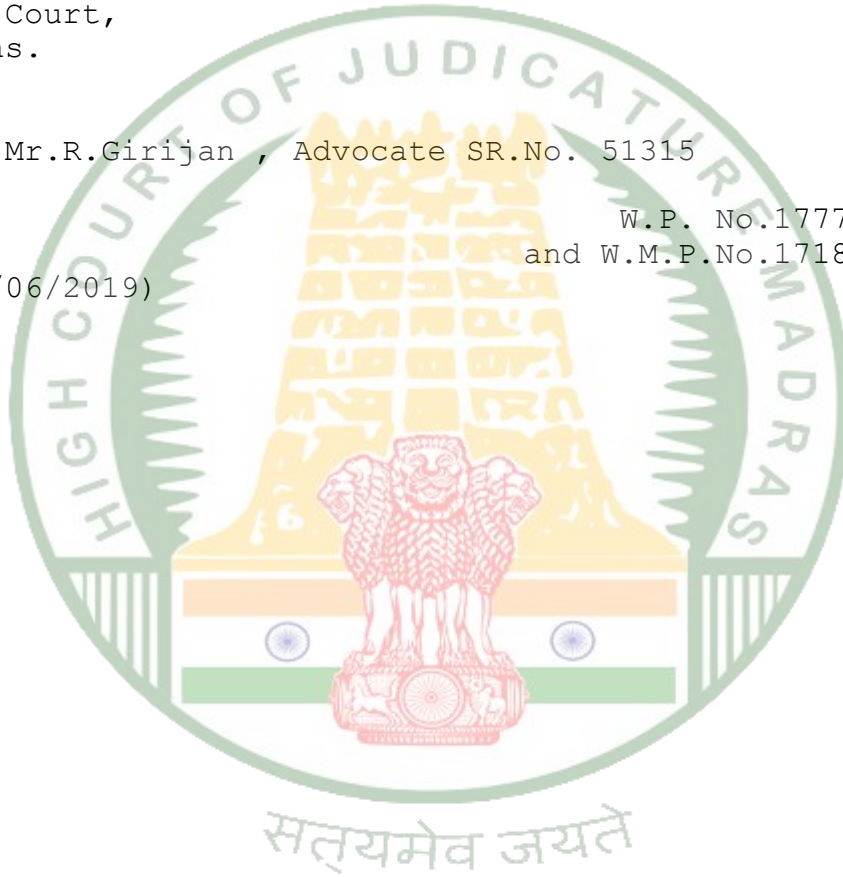
3. The Inspector of Police,
Law and Order,
D-4 Police Station,
Coimbatore City
Coimbatore.

4. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.R.Girijan , Advocate SR.No. 51315

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A.SK(21/06/2019)



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