



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

W.P. [MD] .No.7245 of 2019

C.Murugan

: Petitioner

Vs.

1.The Assistant Election Officer / The Commissioner,
038, Tirunelveli Parliament Constituency,
Tirunelveli Corporation, Tirunelveli.

2.The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Law and Order, Palayamkottai,
Tirunelveli City.

3.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in C.No.01-1/CIPS/FC(E)/19 dated 19.03.2019 on the file of the third respondent as illegal and consequently direct the respondents to grant permission to conduct Public Meeting and Cultural Programme to propagate the "Resist Corporate-Saffron Facism" Trichy conference resolution on 07.04.2019 at 05.00 p.m., to 10.00 p.m., venue at Palayamkottai Market Ground, opposite to Siddha Medical College, Palayamkottai, Tirunelveli District.

For Petitioner

: Mr.S.Vanchinathan

For Respondents

: Mrs.S.Bharathi

Government Advocate (Crl.Side)

O R D E R

This petition has been filed to quash the impugned order passed in C.No.01-1/CIPS/FC(E)/19 dated 19.03.2019 on the file of the third respondent and for consequential direction to the respondents to grant permission to conduct Public Meeting and Cultural Programme to propagate the "Resist Corporate-Saffron Facism" Trichy conference resolution on 07.04.2019 at 05.00 p.m., to 10.00 p.m., venue at Palayamkottai Market Ground, opposite to Siddha Medical College, Palayamkottai, Tirunelveli District.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

3. According to the learned counsel for the petitioner, the third respondent has refused permission by stating that as per Code of Conduct of Election, the place in which the petitioner prefers to conduct meeting is allotted to some political parties and therefore,

the petitioner is not permitted to conduct meeting in that place.

4. In cases, where permission is sought to hold meeting to express one's political ideology must be consistent with the spirit of the Constitution of this country, and such laws and lawful decisions as are taken by the Executive. The impugned order passed by the third respondent only reflects the anxiety of the authorities that if permission is accorded, it may disrupt the election process.

5. Identical issues came before this Court in **L. Chezhiayn alias Sakthivel Vs The Commissioner of Police, Trichy and others** [W.P. (MD) 3154 of 2019] and **V. Ramana alias Ramakrishnan Vs The Commissioner of Police, Trichy and others** [WP(MD) 3289 of 2019], wherein this Court has insisted that the citizens who seek a space for exercising their right to free speech shall exercise it with such necessary self-restrain, self-discipline and self-regulation as to stay within the bounds of the Constitution, and that it is the responsibility of every citizen to protect the Constitution. The reasoning of those Orders applies to this case with equal vigour.

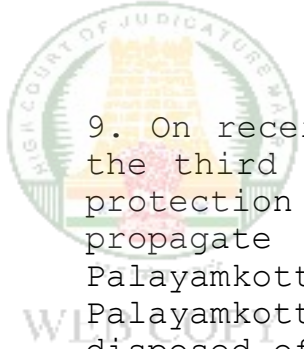
6. Pursuant to the said orders, a Circular in ROC No.007300/General 1(1)2019 dated 01.03.2019 was issued by the Director General of Police, Tamilnadu, Chennai.

7. When the matter came up before this Court earlier, this Court made it clear that on-going election process cannot deny the petitioner's right to express themselves, though the same can be regulated. Therefore, this Court directed the learned Government Advocate(Crl.side) to obtain necessary instruction in this matter. Today, when this matter is taken up, the learned Government Advocate submitted that permission can be granted for a meeting for which the petitioner seeks permission on 11.04.2019.

8. In view of the same, this Court directs the petitioner to give a fresh representation to the third respondent along with a written undertaking:

(a) That the petitioner takes responsibility that no participants of the programme, while they exercise their right to free speech and expression, will violate or infringe any of those heads (on which State has made laws or has power to make laws) under Article 19(2) of the Constitution (each of them should be specifically stated) and that he would abide by the Constitutional values, and that he takes responsibility, for peaceful conduct of the meeting and procession of rally.

(b) That no picture, cartoons, caricatures, posters, and every form of visual depiction, depicting any religious symbols other images be used in any form as to hurt the religious sentiments of any religious group, nor shall display anything banned under the laws of India.



9. On receipt of fresh representation along with above undertaking, the third respondent is directed to grant permission and to police protection for holding a Public Meeting and Cultural Programme to propagate the "Resist Corporate-Saffron Facism" Trichy at Palayamkottai Market Ground, opposite to Siddha Medical College, Palayamkottai, Tirunelveli District and the Writ Petition is disposed of subject to the following condition

- a) The undertaking mentioned in paragraph 8.1 and 8.2 must be given by the petitioner.
- b) Code of Conduct of Election Commission should not be violated

It is open to the third respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility. There can be a total ban for putting up any Flex Board representing any community. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)

TO

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