

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN****W.P. (MD) No.15831 of 2019**

A.T.Ganesan

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. Superintendent of Police,
Theni District.

2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Bodi Region, Theni District.

3. The Inspector of Police,
Town Police Station,
Bodinayakkanur, Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.01/fh.J.f/2019, dated 08.07.2019, on the file of the second respondent as illegal and consequently direct the second and third respondents to grant permission to conduct Public Meeting regarding the excessive fee collected by the Private and Government Aided Schools in Bodiyaikkanur, Theni District, on 10.07.2019 (or) any other date at 06.00 p.m. to 09.00 p.m. venue at near V.O.C. Statue, Bodiyaikkanur, Theni District, based on the petitioner's representation, dated 03.07.2019.

For Petitioner : Mr.S.Vanchinathan

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

**ORDER**

This Writ Petition has been filed challenging the order passed by the second respondent refusing to grant permission to the petitioner to conduct a Public Meeting regarding the excessive fees collected by the Private and Government Aided Schools in Bodinayakkanur.

2. According to the petitioner, the petitioner is the Town Co-ordinator in "Makkal Athikaram" Organization. The Organization involved in various social activities. The Organization helps to educate and empower the people in various activities. In the current academic year, the Private and Government Aided Schools in Bodinayakkanur have collected exorbitant school fees by way of captitation and other fees more than the fees prescribed by the Government. Even though the petitioner's Association bring it to the notice of Educational Authorities, they did not take any step to stop the collection of excess fees by the Schools. In the above circumstances, in order to expose the same, the petitioner plan to conduct a Public Meeting on 03.07.2019. In this regard, the petitioner approached the third respondent seeking permission to conduct the meeting on 02.07.2019. But the third respondent rejected the petitioner's request on the ground that, if at all any excessive fees is collected, the petitioner can only approach the District Educational Officer, that apart a prohibitory order under Section 30(2) of the Police Act, 1861` is also in force. In the above circumstances, the petitioner approached the second respondent, the second respondent also rejected the petitioner's request. Hence, the present Writ Petition has been filed.

3. The third respondent has filed a counter affidavit stating that, the petitioner proposed to conduct a Public meeting regarding excessive fees collected by the Private Schools and Government Aided Schools in Bodinayakkanur. He further stated that the petitioner did not mention the school name, which collected excessive fees and apart from that the petitioner has a hidden agenda to destroy the harmony among general public by spreading false news about NEET and NUTRINO PROJECTS. He further submitted that a Prohibitory order under Section 30(2) of the Police Act, 1861, is also in force, and in order to maintain law and order, the petitioner's representation has been rejected.

4. I have heard the learned counsel on either side and perused the records carefully,

5. The petitioner sought permission to conduct the Public Meeting regarding the excessive fees collected in the various Private Schools in Bodinayakkanur. The right to freedom of speech and the right to assemble peaceably are fundamental rights guaranteed under Article 19 (1) (a) and (b) of the Constitution of India and the freedom of expression cannot be



suppressed, without any reasonable grounds. Even in cases where there is a anticipated problems, the Court has to see whether the threat is real or remote.

6. In the instant case, the permission has been simply rejected on the ground that the petitioner did not approach the District Educational Officer to ventilate his grievance and that apart, a prohibitory order under Section 30 (2) of the Police Act, 1861, is also in force. Merely because, the petitioner did not approach the concerned Educational Authorities, it cannot be a ground for rejecting the petitioner's request to conduct a Public Meeting to ventilate their grievance. That apart, under Section 30 (2) of the Police Act, 1861, the respondent Police can only regulate the public assembly and they cannot prevent the petitioner for conducting the meeting. In the above circumstances, the reasons cited by the respondent for rejecting the petitioner's request to conduct the meeting is untenable, and the impugned order is liable to be set aside. Accordingly, the order impugned in the Writ Petition is quashed and matter is remitted to the file of the third respondent for fresh consideration. The petitioner is directed to approach the third respondent to file a fresh representation seeking permission to conduct the Public Meeting, on filing such application, the third respondent is directed to grant permission to conduct the Public meeting by imposing necessary conditions to maintain law and order.

7. With the above direction, the Writ Petition stands disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Theni District.

2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Bodi Region, Theni District.



3. The Inspector of Police,
Town Police Station,
Bodinayakkanur, Theni District.

WEB COPY

+1 CC to M/s.S.VANCHINATHAN, Advocate (SR-78940[F] dated
31/07/2019)

Order made in
W.P. (MD) No.15831 of 2019
Dated:31.07.2019

Tsg

AE/ (21.08.2019) 4P 5C