

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

DATED :16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN****W.P. (MD) No.16012 of 2019**

Kumaravelu

... Petitioner

Vs.

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

2.The Inspector of Police,
Pattukottai Police Station,
Pattukottai Taluk,
Thanjavur 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, Calling for records pertaining to the impugned order of the second respondent dated 11.07.2019 and quash the same and consequently directing the Respondents to grant permission for conducting a indoor democratic conference on any subsequent date probably on sunday.

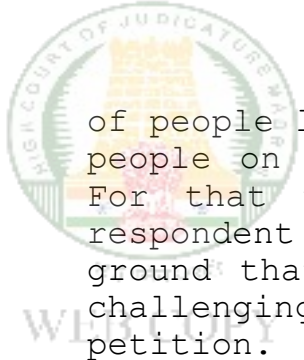
For Petitioner : Mr.R.Narayanan
For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the order rejecting the petitioner's request to conduct an indoor meeting against the hydrocarbon project.

2. According to the petitioner, the petitioner belongs to one Thamizh People Liberation Movement, working among the people by analyzing pros and cons of the hydrocarbon project and raising the people's voice against the oppression in various forms.

<https://hcservices.ecourts.gov.in/hcservices/> Prior the petitioner wants to organize an indoor meeting on 14.07.2019 at VPS Marriage Hall at Pattukottai, wherein the eminent scholars and social activist working for the betterment



of people life and rights are agreed to participate to enlighten the people on the subject of agriculture and the hydrocarbon project. For that the petitioner filed an application before the second respondent seeking permission, but the same was rejected on the ground that there is a likelihood of law and order problem. Now challenging the said order, the petitioner has filed the present petition.

4. The second respondent has filed counter affidavit stating that permission sought by the petitioner was rejected on the ground that there is a likelihood of law and order problem. The second respondent has cited the judgement of the Hon'ble Division Bench of this Court in the case of **C.J.Rajan Organiser, Peoples Watch, madurai vs. Deputy Superintendent of Police, Mayiladuthurai Sub Division, Mayiladuthurai and another [(2008) (2) MLJ (Cr1) 103]**, in which, it has been held that power under Section 41 of the City Police Act is only a regulatory power and not a blanket power to trifle any democratic dissent of the citizens of the police. The second respondent has also cited some other judgements in support of his contention.

5. It has further stated in the counter affidavit that the respondent police cannot be coerced or compelled to give permission to such meeting without filing proper request accompanied by necessary details and the respondent cannot prevent peaceful demonstration or meeting as per the guidelines formulated by this Court in catena of cases. The respondent police has the wherewithal to permit or to deny such meeting on the basis of the prevailing law and order situation within their respective jurisdiction. Over the years, the pros and cons of the hydrocarbon project was highlighted and the present conference can only be construed to continue the tirade for personal gain and that any aberration in the conference will have disastrous consequence in creating tension in the area.

6. It is further stated that so far as the issue relating to the hydro carbon project, it has already been answered by the State Government, that the State will not permit any project or industry in the State against the wishes of the people. In the above circumstances, the respondent Police cannot be coerced or compelled to give permission to such meeting without filing proper request accompanied by necessary details.

7. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

8. The learned counsel appearing for the petitioner would submit that the petitioner is only conducting Indoor Meeting at VPS Marriage Hall, Vadaseri Road, Pattukottai against Hydro Carbon Project. The second respondent denied permission to the petitioner stating law and order problem in the District. Since it is being a indoor meeting, there will not be any law and order problem.



9. The learned Additional Public Prosecutor appearing for the respondents submitted that the respondent Police apprehending law and order problem has rejected the permission.

10. The petitioner only sought permission to conduct Indoor meeting to highlight the impacts of Hydro Carbon project. On perusal of the record, it could be seen that no specific reason has been stated to show that if the meeting is conducted, it will lead to the law and order problem in that area. It is settled law that peaceful assembly is a fundamental right guaranteed under Article 19 (1) (a) of the Constitution of India. The respondent Police can only regulate the peaceful assembly and they cannot prevent the citizens from organizing any meeting to express their grievance. A vague allegation of likelihood of law and order problem is not a reason for rejecting permission to conduct the Meeting.

11. In the above circumstances, the impugned order passed by the second respondent is liable to be set aside. Accordingly, the impugned order is set aside. The petitioner is directed to file a fresh application seeking permission to conduct Indoor meeting to the second respondent, on receipt of such application, the second respondent, shall consider the petitioner's application and pass suitable orders and grant permission by imposing necessary conditions to maintain law and order.

13. The Writ Petition stands allowed as indicated above. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

Tsg

To

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

2.The Inspector of Police,
Pattukottai Police Station,
Pattukottai Taluk,
Thanjavur District.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-82105[F] dated 16/08/2019)

W.P. (MD) No.16012 of 2019

Dated:16.08.2019