



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.17286 of 2019
and
W.M.P. (MD)No.13798 of 2019

P.Ulaganathan

... Petitioner

Vs.

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Theni District, Theni.
- 2.The Deputy Superintendent of Police,
Theni Sub-Division, Theni.
- 3.The Inspector of Police,
Theni Town Police Station,
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 pertaining to the impugned order in Ka.Aa/31/Theni Nagar Kaa.Ne/2019 dated 29.07.2019 (Signed on 31.07.2019) on the file of the respondent No.3 and quash the same as illegal and consequently direct the respondents 1 and 2 to grant permission to conduct Public Meeting on 09.08.2019 at about 05.00 p.m., to 10.00 p.m., or any other date Near Bungalow Medu, Theni on the occasion of "World Tribal Day" within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

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



O R D E R

This writ petition has been filed to quash the order passed by the third respondent, dated 29.07.2019 rejecting the application filed by the petitioner seeking permission to conduct Public Meeting on 09.08.2019 at about 05.00 p.m., to 10.00 p.m., or any other date Near Bungalow Medu, Theni on the occasion of "World Tribal Day".

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents. By consent of both parties, this writ petition is disposed of at the stage of admission itself.

3. According to the petitioner, the petitioner is the General Secretary of a political party namely, Vana Venkaigal Katchi. They are working for the welfare of the tribal people and August 09, is declared and 'World Tribal Day' by the United Nation. On that date, the petitioners party is conducting a public meeting every year peacefully. For the year, the petitioner has made a representation to the first respondent seeking permission to conduct public meeting. But the permission was rejected by the third respondent on the ground that if permission is granted, there is a likelihood of disturbance to the general public and the petitioner may abuse the Government and Government Servants.

4. The learned counsel for the petitioner submitted that the petitioner is conducting a public meeting on the World Tribal Day and they will not indulge in any untoward activities as apprehended by the respondents. The petitioner has also given an undertaking to this effect to the Police. But without considering the same, the third respondent has passed the impugned order.

5. The learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, would submit that if permission is granted to the petitioner to conduct public meeting, it will cause disturbance to the general public.

6. I have heard the rival submissions made on either side and also perused the records carefully.

7. Admittedly, the petitioner only wants to conduct public meeting on the World Tribal Day. He has also filed an undertaking stating that they will not indulge in any untoward activities; they will conduct the meeting without violating the rules; they will not disturb the general public, and they will not abuse the Government or Government Servants, without considering the same the impugned order has been passed. In the above circumstances, this Court is of the considered view that the third respondent rejected the permission sought by the petitioner to conduct the public meeting in total non application of mind. Accordingly, the order passed by the



third respondent is set aside and this Writ Petition is allowed. The third respondent is directed to grant permission to the petitioner to conduct the public meeting by imposing necessary condition to maintain law and order. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Theni District, Theni.
- 2.The Deputy Superintendent of Police,
Theni Sub-Division, Theni.
- 3.The Inspector of Police,
Theni Town Police Station, Theni District.

1CC TO MR. T. THIRUMURUGAN,ADVOCATE 80458

W.P. (MD)No.17286 of 2019

07.08.2019

JM/08.08.2019/3P/5C