

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.1722 of 2020

Akhila Bharatha Hindu Mahasabha,
Represented by its
State Youth Wing President Tamilnaud,
Dr.KR.Subash,
No.7, PT Plaza,
Avarampalayam Road,
New Siddhapudur,
Coimbatore - 641 044. ...Petitioner

-Vs-

- 1.The Commissioner of Police,
Office of Commissioner of Police,
Coimbatore - 641 018.
- 2.The Inspector of Police,
Rathinapuri Police Station,
Rathinapuri,
Coimbatore - 641 027.
- 3.The Deputy Commissioner of Police,
Office of Commissioner of Police,
Coimbatore - 641 018. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the impugned proceedings of the 3rd respondent in Na.Ka.No.905/A/Ka.Thu.Aa /Mukam/Co.Ma/2019 dated 20.01.2020 and quash the same and consequentially direct the respondents to provide the permission to conduct the Political Awareness Meeting scheduled to be held on 25.01.2020 at Sivanandhar Colony, Coimbatore.

For Petitioner : Mr.R.Subramaniam
For Respondents : Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

This petition has been filed to issue a Writ of Certiorarified Mandamus to quash the impugned order passed by the third respondent in Na. Ka.No.905/A/Ka.Thu.Aa/Mukam/Co.Ma/2019 and consequentially direct the respondents to provide the permission to conduct the Political Awareness Meeting scheduled to be held on 25.01.2020 at Sivanandhar Colony, Coimbatore.

2. The learned counsel for the petitioner has submitted that the petitioner is the Tamil Nadu State Youth Wing President of the the petitioner's organization. He further submitted that the petitioner has decided to conduct the Political Awareness Meeting scheduled to be held on 25.01.2020 at Sivanandhar Colony, Coimbatore from 5.00 PM to 9.00 PM and with regard to that, already the petitioner has submitted a representation to the second respondent on 14.12.2019, but since no order was passed on the said representation, the petitioner has filed W.P.No.267 of 2020 before this Court to direct the respondents to grant permission to conduct the Political Awareness meeting. He further submitted that this Court, by the order dated 13.01.2020 has directed the second respondent to conduct enquiry on the petitioner's representation dated 14.12.2019 and also the rival groups, if any, dispose of the said representation and intimate the same to the petitioner on or before 25.01.2020. He further submitted that in pursuance of the said order, the third respondent herein has passed the impugned order dated 20.01.2020 refusing to grant permission to the petitioner's organization to conduct the Political Awareness meeting. He further submitted that the third respondent has not stated any reason for rejecting the petitioner's request. He further submitted that already the petitioner has arranged for the meeting to be held on 25.01.2020 (tomorrow) and the leaders have to come from various places and the arrangements have been made and therefore, he prayed to set aside the impugned order and direct the respondents to give permission to the petitioner to conduct the Political Awareness meeting on 25.01.2020.

3. Per contra, the learned Government Advocate (Crl.Side) has submitted that there are two groups in Akhila Bharatha Hindu Mahasabha, one group is functioning under the petitioner herein and another group is functioning under one Kalki K.Rajasekar. Since there was some dispute between both the groups, the matter went up to the Hon'ble Supreme Court. He further submitted that already one case has been registered against the opposite group Kalki K.Rajasekar and others in Cr.No.18 of 2020 under Section 151 Cr.P.C. of C-2, Panthiya Salai Police Station. Under the said circumstances, if any permission is given to the petitioner's group, definitely the opposite party would create law and order problem and considering the said facts, the third respondent has rightly refused to give permission to the petitioner and in the said order, this Court need not interfere.

4. A perusal of the impugned order passed by the third respondent shows that there are two groups in Akhila Bharatha Hindu Mahasabha, one group is functioning

under the petitioner and another group under one Kalki K.Rajasekar. Already the dispute went up to the Hon'ble Supreme Court and further one case has been registered against Kalki K.Rajaskear and others in Cr.No.18 of 2020 under Section 151 Cr.P.C. Taking into consideration of the aforesaid facts, the third respondent has passed the impugned order that if any permission is given to the petitioner for conducting the meeting, that will create law and order problem. This Court does not find any infirmity in the said order. Hence, this Court is of the view that this petition is liable to be dismissed.

5. In the result, this Writ Petition is dismissed.
No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Commissioner of Police,
Office of Commissioner of Police,
Coimbatore - 641 018.

2.The Inspector of Police,
Rathinapuri Police Station,
Rathinapuri,
Coimbatore - 641 027.

3.The Deputy Commissioner of Police,
Office of Commissioner of Police,
Coimbatore - 641 018.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Subramaniam , Advocate SR.No. 5818

W.P.No.1722 of 2020

A.SK(27/01/2020)