

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.3917 of 2020

S.M.Rifay

...Petitioner

-Vs-

1.The Commissioner of Police
Greater Chennai,
No.132, Commissioner Office Building
EVK Sampath Road, Vepery, Periyampet
Chennai, Tamil Nadu 600 007.

2.The Assistant Commissioner of Police-South
No.56, Lattice Bridge Road
Adyar, Chennai 600 020.

3.The Inspector of Police
J10, Semmenchary Police Station
Sholinganallur
Chennai 600 119.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent and to quash the communication dated 13.02.2020 and consequently direct the respondent's to accord approval for the smooth conduct of the public meeting on 20.02.2020 at East Coast Link Road, Sholinganallur OMR, from 6 PM to 10 P.M.

For Petitioner : Mr.M.J.Jaseem Mohammed

For Respondents : Mr.A.Natarajan
Public Prosecutor

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to quash the impugned order passed by the third respondent dated 13.02.2020 and consequently direct the respondents to accord permission for conducting a public

meeting at East Coast Link Road, Sholinganallur OMR from 6.00 PM to 10.00 PM on 20.02.2020.

2. The learned counsel for the petitioner has submitted that the petitioner is the Secretary of the Sholinganallur Masjidur Rahman Mosque. He further submitted that recently the Central Government has passed the Citizenship Amendment Act, National Register of Citizens and the National Population Register in order to protect the life and liberty of the communities. He further submitted that the petitioner wants to conduct a meeting with regard to the aforesaid issue and hence, he has made a representation to the second respondent seeking permission for conducting a meeting on 20.02.2020 in the aforesaid place and made a request to give permission but the third respondent has passed the impugned order dated 13.02.2020 without assigning any valid reason and therefore, he prayed to quash the said order and direct the respondents to grant permission for conducting the meeting on 20.02.2020 East Coast Link Road, Sholinganallur OMR, from 6.00 PM to 10.00 PM.

3. The third respondent has filed a counter stating that in the representation submitted by the petitioner, he has stated that around 500 people and VIPs will participate in the public meeting. He further submitted that the venue of the said meeting is nearer to OMR Sholinganallur Junction and distance between the said venue and OMR Sholinganallur Junction is about just 100 to 150 meters. He further submitted that during 6.00 PM to 10.00 PM, there will be a heavy traffic in the said place and in such a case, if permission is granted to the petitioner to conduct public meeting in the said place that would cause hindrance to the public and also obstruct the free flow of traffic. He further stated that already the first respondent has passed an order under Section 41(ii) Tamil Nadu City Police Act, prohibiting all assemblies, processions, demonstrations and meetings etc., and taking into consideration of all the aforesaid facts, he has rejected the petitioner's representation through impugned order dated 13.02.2020.

4. Mr.A.Natarajan, learned Public Prosecutor has submitted that since the venue of the meeting is very nearer to OMR Sholinganallur Junction and the said place is a very busy place and the traffic also will be very high during 6.00 PM to 10.00 PM, it would not be proper to permit the petitioner to conduct a public meeting in that place. He further submitted that an education institution is also situated nearer to the said place and therefore, he opposed this petition.

5. The learned counsel for the petitioner by way of reply has submitted that the petitioner undertakes to conduct the meeting without causing any nuisance either to the public or to the students in the nearby education institution. Therefore, he requested to direct the respondents to grant permission for conducting the public meeting peacefully. He further submitted that the petitioner may be directed to submit a fresh representation proposing some other place for conducting the meeting and in such a case, the representation may be considered.

6. Considering the aforesaid submissions, the petitioner is directed to file a fresh representation tomorrow at 10.00 am., before the third respondent and on such submission of the representation, the third respondent has to conduct enquiry and pass an appropriate order in accordance with law and inform the result to the petitioner.

7. With the above direction, this Writ Petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner of Police
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Sholinganallur
Chennai 600 119.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.J.Jaseem Mohammed, Advocate sr.13569
+1cc to Public Prosecutor, sr.13638

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