

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

DATED :13.01.2020

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THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**W.P. (MD) No.721 of 2020

V.Rajamony

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

... Respondents

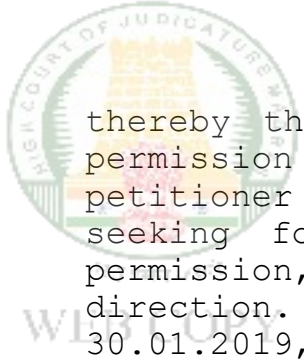
PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, by directing the respondents to give permission to the petitioner to conduct the Convention Meeting at Puliyoor Salai Junction in R.S.No.274/3A5 and 274/3A6 on 17.01.2020, 18.01.2020 and 19.01.2020 between 06.00 p.m and 09.30 p.m.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor**ORDER**

This writ petition has been filed directing the respondents to give permission to the petitioner to conduct the Convention Meeting at Puliyoor Salai Junction in R.S.No.274/3A5 and 274/3A6 on 17.01.2020, 18.01.2020 and 19.01.2020 between 06.00 p.m and 09.30 p.m.

2.The learned counsel appearing for the petitioner would submit that the petitioner is a Pastor in International Zion Assembly Church, Vannamkonam, Kanyakumari District and that they have decided to conduct Convention Meeting from 17.01.2020 to 19.01.2020 between 06.00 pm and 9.30 pm for the welfare of the public and students, who are going to write their public examinations and that the meeting is only organized for their members of the Church. He would further submit that the petitioner made all arrangements to conduct Convention Meeting at a private property belonging to the petitioner and his son at Puliyoor village in R.S.No.274/3A5 and 274/3A6 and



thereby the petitioner had requested the respondent for granting permission to conduct meeting. He would also submit that the petitioner had given representation to the respondents on 03.01.2020 seeking for permission. Since the respondents did not grant permission, the petitioner had filed Writ of Mandamus seeking for a direction. He would further submit that this Court, by order dated 30.01.2019, in W.P.(MD).No.1514 of 2019, granted permission to conduct the Convention Meeting at Puliyoor Salai Junction in R.S.No.274/3A5 and 274/3A6, on 02.01.2019 and 03.01.2019.

3.The learned counsel for the petitioner would also submit that the petitioner is prepared to abide by any conditions or reasonable restrictions imposed by the respondent police and that the petitioner will conduct the meeting in accordance with law within his premises without creating disturbance to the other persons in the village and also to the neighbors in the area. He would submit that cone speakers will not be used by the petitioner and that he would ensure that the volume of the sound system will be only within the permissible limits of law without causing any nuisance or noise pollution to others.

4.The learned counsel for the petitioner relying on the decision of this Court reported in **2015 (1) CTC 49 Durai Sankar Vs.The Secretary to the Government, Home Department, Government of Tamilnadu** would submit that the respondent be directed to grant permission with reasonable restrictions.

5.The learned Additional Public Prosecutor appearing for the respondents would submit that the respondent has serious objections and that people in the surrounding area have given objections for conducting meeting and that there is also no parking facility.

6.At this juncture, the learned counsel for the petitioner would submit that the vehicles of the participants will be parked away from the location without causing disturbance to free flow of traffic or to neighbors in the vicinity.

7.Considering the facts and circumstances of the case, the respondents police are directed to grant permission for conducting the Convention meeting, by enclosing the following conditions:

1) The convention meeting scheduled to be held from 17.01.2020 to 19.01.2020 by the petitioner at Puliyoor Salai Junction in R.S.No.274/3A5 and 274/3A6, Kanyakumari District should be completed within the time frame fixed by the respondent police;

2) The petitioner and other participants shall not deliver any speech affecting religious and communal harmony;

3) Public address system can be used only within permissible limits without causing nuisance and noise



pollution to others;

4) *If there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop the meeting;*

5) *Similarly, the Police is empowered to stop the convention meeting, if it exceeds beyond the permitted time;*

6) *The second respondent is at liberty to impose any further restrictions or to impose any condition purely in the interest of preserving public order and tranquillity, so as to maintain law and order and communal harmony.*

8. The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created in the course of conducting the convention meeting.

9. The writ petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-1723[F])

W.P.(MD) No.721 of 2020
13.01.2020

srk(CO)

TR(13.01.2020) 3P 4C