



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.01.2020

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WP. (MD) No.852 of 2020

and

WMP (MD) Nos.628, 630 and 632 of 2020

P.Rajamohamed

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Deputy Superintendent of Police,
Periyakulam, Theni District.

3.The Inspector of Police,
Vadakarai Police Station,
Periyakulam, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.01/பொது/உ.கோ.அ.பெ/2020, dated 09.01.2020 and quash the same as illegal and consequently to direct the respondents to accord adequate police protection for the public meeting organized by the petitioner scheduled to be held on 17.01.2020.

For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This writ petition has been filed to quash the proceedings in vide Na.Ka.No.01/பொது/உ.கோ.அ.பெ/2020, dated 09.01.2020, issued by the second respondent and direct the respondents to accord adequate police protection for the public meeting organized by the petitioner scheduled to be held on 17.01.2020.



2. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit the petitioner's organizers are entitled to vent out their grievances by conducting a public meeting to show their protest against the Citizenship Amendment Act 2019 in a democratic manner and that the third respondent's conduct of refusing permission is violative of Article 14 of the Constitution of India. He would further submit that the petitioner sought a permission by way of representation to conduct a peaceful public meeting. However the respondents without any valid reason or application of mind rejected the representation invoking Section 30(2) of the Police Act 1861 by the impugned order. Since it was rejected by the impugned order, the present writ petition has been filed.

4. The learned Additional Public Prosecutor appearing for the respondents states that the respondents have no serious objections to the petitioner for conducting the public meeting however, they have reservation with regard to the place where the permission is sought for and with regard to two participants viz., Madurai Raja and Mohamed Siddiq. He would further submit that Madurai Raja and Mohamed Siddiq have delivered provocative speeches during the earlier meetings and a case has been registered against the said persons and their anticipatory bail application is also pending before the Sessions Court. Fearing apprehension of law and order situation, the respondents have rejected granting permission.

5. At this juncture, the learned counsel for the petitioner would submit that the said Madurai Raja will only be a participant in the meeting and he will not deliver any speech and with regard to Mohamed Siddiq, he would further submit that he will only deliver a welcome address and that the petitioner is prepared to give an undertaking that he will not deliver any provocative speech or any speech which is against the integrity and sovereignty of India. He would further submit that in view of the objection raised by the respondents with regard to disturbance to public and traffic they are prepared to conduct the meeting at the place opposite to K.S.K Canteen, Periyakulam, where usually meetings are conducted and also submit that they will not create any disturbance to public or to free flow from the traffic.

6. The learned Additional Public Prosecutor would submit that the Deputy General of Police, Tamil Nadu had issued the circular/memorandum in R.C.007301/Genl I(1)/2019, dated 09.04.2019, which contains conditions for procession and also other events and would submit that if the petitioner approaches the respondent Police with a fresh application and undertaking to abide by the conditions enumerated in the memorandum, dated 09.04.2019, it will be suitably



7. Taking into consideration of the submissions of the learned counsel on either side, the impugned order, dated 09.01.2020 is quashed and the petitioner shall give a petition along with necessary undertakings to the respondent Police. On receipt of such petition along with necessary undertakings, the respondents shall permit the petitioner to conduct public meeting, by imposing the following conditions:

1) The meeting shall be permitted, at the venue where meetings are conducted, opposite to KSK Canteen on 17.01.2020 at the prescribed time. The proposed meeting shall not be conducted beyond the prescribed time.

2) The petitioner shall ensure that no hindrance is caused to the free flow of traffic and no disturbance is caused to the general public.

3. The volume of speakers provided should be at a minimum level, so as not to cause any disturbance to neighbors; no cone type speakers shall be used.

4. There should not be any speech, which would affect the sentiments of other religion or caste or race.

5. The speech shall not affect the sovereignty and integrity of India.

6. The speech shall not affect the peace and harmony.

7. Organizers shall not erect any digital banners/placards on either side of the arterial roads, platforms, walkways/major roads and any other roads.

8. The petitioner is 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 meeting.

9. The writ petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

sjj



To

1. The District Collector,
Theni District, Theni.

2. The Deputy Superintendent of Police,
Periyakulam, Theni District.

3. The Inspector of Police,
Vadakarai Police Station,
Periyakulam, Theni District.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-1769[F] dated
13/01/2020)

WP. (MD) No. 852 of 2020
13.01.2020.

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TR(13.01.2020) 4P 5C