



WEB COPY

W.P.(MD) No.1356 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

W.P. (MD) No.1356 of 2020

and

W.M.P. (MD).No.1099 of 2020

Mohammed Basith

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul District.

2.The Deputy Superintendent of Police,
Dindigul Town,
Dindigul District.

3.The Inspector of Police,
Town South Police Station,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records connect with the impugned order passed by the Respondent No.2 in Na.Ka.No.10/Ka.Aa/ Nagar South/Thin/2020 dated 08.01.2020 and quash the same as illegal, consequently to direct the Respondents to grant permission for agitation on 28.01.2020 at 05.00 p.m to 10.00 p.m or any other date at Begampur Thippusulthan Thidal, Dindigul District.

For Petitioner : Mr.R.Alagumani

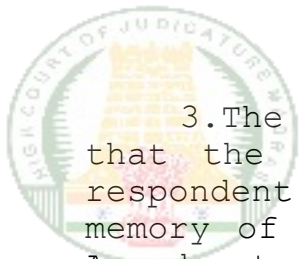
For Respondents : Mrs.S.Bharathi

Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to quash the proceedings in the impugned order dated 08.01.2020 in Na.Ka.No.10/Ka.Aa/ Nagar South/Thin/2020 passed by the second respondent police and consequently direct the Respondents to grant permission for agitation on 28.01.2020 at 05.00 p.m to 10.00 p.m or any other date at Begampur Thippusulthan Thidal, Dindigul District.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.



3.The learned counsel appearing for the petitioner would submit that the the petitioner has sent a representation to the third respondent to permit him to conduct Public Meeting relating to memory of PalaniBaba and conduct agitation against the Citizenship Amendment Act on 28.01.2020 at about 05.00 p.m to 10.00 p.m, at Begampur Thipusulthan Thidal, Dindigul District. He would further submit that the respondent had rejected the petitioner's representation stating that it will cause disturbance to the public and traffic and to law and order and public peace. He would further submit that if it is so, the petitioner is prepared to postpone the meeting to 15.02.2020 which is on a Saturday. By conducting on Saturday, it will not affect the traffic and cause disturbance to the general Public. He would further submit that staging protest or demonstration in democratic way is fundamental Right of every citizen guaranteed under Article 19(1) (a) of Indian Constitution. Hence, the present petition is filed.

4.Mr.S.Yesu Rajasekaran, the Inspector of police, Town South Police Station, has filed a counter affidavit wherein it has been stated that the petitioner sought for permission to conduct meeting and the petitioner had already conducted agitation and protest against implementation of Citizenship Amendment Act twice.

5.At this juncture, the learned counsel appearing for the petitioner would submit that permission has been sought for conducting meeting for Memory of Leader PalaniBaba which is for a different purpose. He would further submit that the respondents cannot curtail the number of meetings. He would further submit that the petitioner and organizers are prepared to abide by stringent conditions that may be imposed by the respondent Police and that they are ready to give necessary undertakings before the respondent Police to upkeep maintenance of law and order. He would also submit that they are ready to conduct agitation on 15.02.2020 at 05.00 p.m to 10.00 p.m or any other date at Begampur Thippusulthan Thidal, Dindigul District.

6.The learned Government Advocate (Crl. side) would submit that the Deputy General of Police, Tamilnadu 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 considered. She would further submit that there is no objection for conducting agitation in an alternative day on 15.02.2020.

7.Taking into consideration of the submissions of the learned counsel on either side, the impugned order, dated 08.01.2020 is quashed and the petitioner is directed to give a fresh representation and necessary undertaking fixing 15.02.2020 as the date for the agitation. On receipt of such representation along with necessary undertakings, the respondents shall permit the



petitioner to conduct agitation on 15.02.2020 at 05.00 p.m to 10.00 p.m by imposing the following conditions:

1)The agitation shall be conducted at the prescribed place and prescribed time. The proposed agitation shall not be conducted beyond the prescribed time.

2.The petitioner shall ensure that there is no hindrance to the traffic and 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 religious or caste or race.

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

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

7.If there is any stage to be installed, a structural stability certificate should be obtained from Public Works Department.

8.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 agitation. If the petitioner violates any conditions imposed by the respondent police, the respondent police are at liberty to file proper case.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Vsg



To

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul District.

2.The Deputy Superintendent of Police,
Dindigul Town,
Dindigul District.

3.The Inspector of Police,
Town South Police Station,
Dindigul District.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-5065[F] dated 06/02/2020)

W.P.(MD) No.1356 of 2020

and

W.M.P.(MD) .No.1099 of 2020

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