



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2020

CORAM :

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

W.P. (MD)No.1906 of 2020

Sirajudeen,
S/o.Kasim,

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

2. The Assistant Commissioner of Police,
Madurai Town, Madurai City.

3. The Inspector of Police,
B-1 Vilakkuthoon Police Station,
Madurai City.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a **Writ of Mandamus**, directing the respondents to grant permission for Public Meeting on 9.2.2020 time 7.00 p,m to 10.00 p.m at Opula Padithurai, Munichalai road, Madurai regarding NRC, NPR and CAA based on the petitioners representation dt 18.1.2020.

For Petitioner : Mr.D.S. Haroon Rasheed

For Respondents : Mrs.S.Bharathi

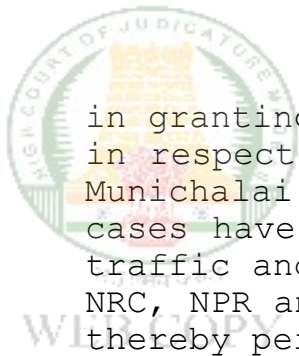
Government Advocate(Crl.Side)

O R D E R

The Writ Petition has been filed to the respondents to grant permission for Public Meeting on 9.2.2020 time 7.00 p,m to 10.00 p.m at Opula Padithurai, Munichalai road, Madurai regarding NRC, NPR and CAA based on the petitioners representation, dt 18.1.2020.

2. The learned counsel appearing for the petitioner would submit the petitioner is the District Secretary of National Thowheed Federation and their federation convened a Meeting all over Tamil nadu and explained about the NRC, NPR & CAA to the public and as far as Madurai City is concerned their federation has decided to conduct a public meeting on 09.02.2020, at 07.00 p.m., to 10.00 p.m., at Opula Padithurai, Munichalai Road, Madurai. He would further submit that the petitioner sought a permission by way of representation to conduct a public meeting. Since it was rejected by the impugned order, the present writ petition has been filed.

3. The learned Government Advocate(Crl.side) appearing for the respondents would submit that the respondents have no objection



in granting permission for the meeting, however, they have objection in respect of the venue of the public meeting at 'Opula Padithurai, Munichalai road, Madurai'. She would further submit that three cases have been registered against the persons who have blocked the traffic and caused disturbance to the public while agitating against NRC, NPR and CAA at 'Opula Padithurai, Munichalai road, Madurai' and thereby permission is rejected at the place.

4. Per contra, the learned counsel appearing for the petitioner would submit that those cases were registered in respect of persons who have conducted meeting without obtaining permission from the police. Moreover, those cases were registered on 25.01.2020, 31.12.2019 & 05.01.2020. He would further submit that, even subsequently, on 21.01.2020 permission was granted to 'Dravida Kazhagam' for conducting a meeting at 'Opula Padithurai, Munichalai road, Madurai' and thereby the reason given by the respondents cannot be sustained. Moreover, the cases were registered against the persons who have not obtained permission and the petitioner has approached the respondents seeking necessary permission and the petitioner is also prepared to abide by any condition that may be imposed in conducting meeting without causing disturbance to the public or to the traffic. Further, the meeting is proposed to be conducted on Sunday i.e., on 09.02.2020 which is also a holiday.

5. The learned Government Advocate(Crl.side) appearing for the respondents would submit that in respect of granting permission regarding the meeting 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.

6. At this juncture, the learned counsel appearing for the petitioner on instructions would submit that the petitioner is prepared to conduct the public meeting on 09.02.2020 at the same venue. He would further submit that the organizers are prepared to abide by stringent conditions that may be imposed by the respondents and that they are ready to give necessary undertakings before the respondent Police to upkeep maintenance of law and order. He would further submit that the petitioner shall give an undertaking that only, 150 to 200 persons will be participating in the meeting.

7. The learned Government Advocate(Crl.side) would submit that if the petitioner approaches the respondent Police with a fresh application and undertaking to abide by the conditions, it will be

<https://hcservices.hcj.go.in/hcservices>



8. Taking into consideration of the submissions of the learned counsel on either side, the petitioner shall fix the date on 09.02.2020 for the public meeting and 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 at 'Opula Padithurai, Munichalai road, Madurai' on 09.02.2020 by imposing the following conditions:

- 1)The meeting shall be permitted to be held at the prescribed place and prescribed time. The proposed meeting 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 religion 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 any stage is to be erected, 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.
- 9.If the meeting is stopped or changed by the respondent Police on any valid ground on account of any urgency, the organizers shall co-operate with the respondent Police.

9. 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.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.
2. The Assistant Commissioner of Police,
Madurai Town, Madurai City.
3. The Inspector of Police,
B-1 Vilakkuthoon Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-4479[F] dated
03/02/2020

W.P. (MD)No.1906 of 2020
03.02.2020

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