



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. 2367 of 2020

Tamil Nadu Muslim Munnetra Kazhagam
Represented by its District President,
Anvar Hussain.

... Petitioner

Vs.

1. The Superintendant of Police,
Kanyakumari District.
2. The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.

... Respondents

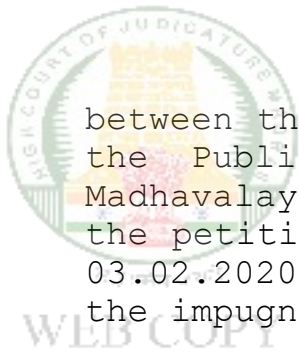
Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a **Writ of Mandamus**, directing the respondents to grant permission to conduct procession from Jumma Palli to Madhavalayam Play ground (Sandhai) Madhavalayam, Kanyakumari District followed by the public meeting are all scheduled as per notice and to be held on 07.02.2020 between 5 p.m to 10.p.m. by considering the petitioner representation dated 03.02.2020.

For Petitioner	: Mr.Mark J.Jackson
For Respondents	: Mrs.S.Bharathi
	Government Advocate(Crl.Side)

ORDER

The Writ Petition has been filed to direct the respondents to grant permission to conduct procession from Jumma Palli to Madhavalayam Play ground (Sandhai) Madhavalayam, Kanyakumari District followed by the public meeting are all scheduled as per notice and to be held on 07.02.2020 between 5 p.m to 10.p.m. by considering the petitioner representation dated 03.02.2020.

2. The learned counsel appearing for the petitioner would submit that they have planned to conduct meeting against the Citizen Amendment Act and Nagercoil and Kanyakumari legislative members are also going to participate in the said meeting. He would further submit that they have plan to start procession from Jumma Palli to Madhavalayam play ground (Sandhai) the distance



between the said two places is approximately 500 meter followed by the Public Meeting to be held at Madhavalayam Play Ground, Madhavalayam, Kanyakumari District. He would further submit that the petitioner sought a permission by way of representation, dated 03.02.2020 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 and they have granted permission for the meeting to be held on 07.02.2020 limiting the period from 5.00 p.m., to 8.00 p.m. subject to conditions. Further the petitioner is also advised to furnish the number of participants so as to arrange for police strength.

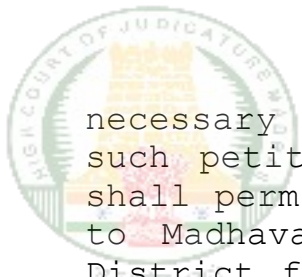
4. At the juncture, the learned counsel appearing for the petitioner would submit that depending on the circumstances the respondents may be permitted to give time one more hour.

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 would submit that the petitioner is prepared to conduct the public meeting on 07.02.2020 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 suitably considered.

8. Taking into consideration of the submissions of the learned counsel on either side, the petitioner shall fix the date on 07.02.2020 for the 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 procession from Jumma Palli to Madhavalayam Play Ground (Sandhai) Madhavalayam, Kanyakumari District followed by public meeting on 07.02.2020 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.

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.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Superintendent of Police,
Kanyakumari District.
2. The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.JACKSON, Advocate (SR-4987[F] dated 06/02/2020)

W.P. (MD) No. 2367 of 2020

06.02.2020

ss (CO)

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