



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.02.2020

CORAM

WEB COPY

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

WP. (MD)No.2987 of 2020
and
W.M.P. (MD)No.2510 of 2020

K.N.Arul

... Petitioner

Vs.

1.The Commissioner of Police,
Trichy City Police,
Trichy District.

2.The Deputy Commissioner of Police,
Law and Order,
Contonment Range, Trichy City,
Trichy 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 made in Na.Ka.No.46-1/A./Ka.cha/Aa/Ka.Cha/(Cha. And O/Thi.Ka/2020, dated 06.02.2020 passed by the second respondent herein and quash the same as illegal and direct the respondents to permit the petitioner's Viduthalai Siruthaigal Katchi to Hold Rally on 22.02.2020 at 10.00 a.m in Contonment area, Trichy, Trichy District.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mrs.S.Bharathi

Government Advocate (Cr1. side)

O R D E R

This writ petition has been filed to quash the proceedings in Na.Ka.No.46-1/A./Ka.cha/Aa/Ka.Cha/(Cha. And O/Thi.Ka/2020, dated 06.02.2020 issued by the second respondent and direct the respondents to permit the petitioner's Viduthalai Siruthaigal Katchi to Hold Rally on 22.02.2020 at 10.00 a.m in Contonment area, Trichy, Trichy District.



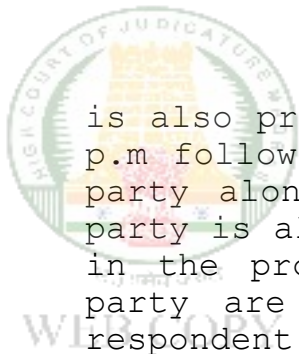
2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

3. The learned counsel for the petitioner would submit that the petitioner is the District Secretary of Viduthalai Siruthaigal Katachi, which is a recognized Political Party of India. The petitioner's party had resolved to hold Rally on 22.02.2020 at 10.00 a.m at Trichy Contonment area to insist for withdrawal of the Citizenship Amendment Act. In this regard, the petitioner had sent a representation on 30.01.2020 to the second respondent to give permission to conduct a rally followed by a meeting. The second respondent without giving any opportunity of hearing, rejected the petitioner's representation. Hence, the petitioner has approached this Court seeking the relief stated supra.

4. The second respondent has filed a detailed counter affidavit, wherein, it has been stated that the reply given by the petitioner to the clarifications sought for on 05.02.2020 was vague and not satisfactory and since the reply given by the petitioner was not satisfactory, the second respondent rejected the petitioner's representation. Further, at paragraph No.4 of the counter affidavit, it has been stated that there is a prohibition for convening procession by any third parties except for Government programmes and that the place where the petitioner proposed to hold procession is near to the Head Post Office, Collectorate, BSNL Telephone Office, educational institutions and various hospital and thereby, it would cause hindrance to traffic and public. Further, it has been stated that on a previous occasion permission was granted and the petitioner had violated the conditions resulting in cases being registered in various stations in Trichy Limit.

5. The learned Government Advocate (Crl.side) would submit that that respondent police has serious objection in granting permission. However, if the petitioner is prepared to conduct the procession in the route fixed by the respondent police, namely, from MGR Statue to Ulavar Santhai and conduct the meeting within the prescribed time, the respondent police have no objection. She would further 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.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner's party in order not to cause distrubance to traffic and public have intended to conduct the



is also prepared to conduct the procession from 02.00 p.m. to 06.00 p.m followed by meeting at 07.00 p.m, wherein, the leader of their party alone will address the gathering. Further, the petitioner's party is also prepared to give undertaking to fall in two lines/rows in the procession. He would further submit that the petitioner's party are also prepared to take any route as suggested by the respondent police and that they are prepared to abide by any stringent conditions that may be imposed by the respondent police and that they are prepared to give necessary undertaking before the respondent police to upkeep maintenance of law and order.

7.Taking into consideration of the submissions of the learned counsel on either side, the impugned proceedings, dated 06.02.2020, is quashed and the petitioner is directed to give a fresh representation and necessary undertaking fixing a route for the procession and meeting. On receipt of such representation along with necessary undertakings, the respondents shall permit the petitioner to conduct procession on 22.02.2020 between 02.00 p.m to 06.00 p.m from M.G.R statue to Uzhavar Santhai, Trichy followed by meeting at 07.00 p.m to 10.00 p.m, by imposing the following conditions:

1)The meeting shall be conducted at the prescribed place and 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 traffic and the general public during the procession.

3.The volume of speakers provided should be at a minimum level, so as not to cause any disturbance to neighbors;

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.

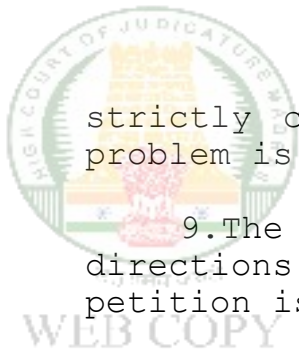
6.The speech shall not affect the peace and harmony.

7.If any stage is 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.

9.If the meeting is stopped or changed by the respondent Police for any urgency, the organizers shall co-operate with the respondent Police.

<https://hcservices.courts.gov.in/hcservices/> 8.The petitioner is directed to ensure that the conditions are



strictly compiled 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 petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj i

To

- 1.The Commissioner of Police,
Trichy City Police,
Trichy District.
- 2.The Deputy Commissioner of Police,
Law and Order,
Contonment Range, Trichy City,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SANKARASUBBU, Advocate (SR-6990[F] dated 19/02/2020)

WP. (MD)No.2987 of 2020
18.02.2020

KK/SAR/19.02.2020/4P-5C/