



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

WEB COPY

W.P. (MD)No.4720 of 2020

K.I.Shaul Hameed Wahidhi

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Sub Inspector of Police,
Achanapudur Police Station,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in Na.K.a.No./29/Thu.Kaa.Ka.the.a./2020 dated 03.03.2020 and quash the same as illegal, arbitrary and direct the 2nd respondent to permit the petitioner to "Desa Nalan Kappom" Street Level awareness meeting to be held on 06.03.2020 from 07.00 p.m., to 09.00 p.m.

For Petitioner : Mr.N.Syedali

For Respondents : Mrs.M.Ananthadevi
Govt. Advocate (Crl. Side)

ORDER

The petitioner is the president of Sengottai Vattara Jamathul Ulama Sabai Taluk level. He submitted an application dated 28.02.2020 to the Deputy Superintendent of Police, Tenkasi, seeking permission to hold a meeting on 06.03.2020 at 07.00 p.m. The petitioner proposes to hold the meeting for two hours. The said request was rejected by the first respondent by order dated 03.03.2020. Challenging the same, this writ petition has been filed.

2.The learned counsel appearing for the petitioner reiterated the contentions set out in the affidavit filed in support of the writ petition and wanted this Court to set aside the impugned order and allow this writ petition. Per contra, the learned Government



Advocate (Crl. Side) submitted that impugned order deserves to be sustained since it has public order implications. She wanted this Court to dismiss the writ petition.

3.I carefully considered the rival contentions. All that the petitioner wants is to hold a public meeting to espouse certain issues. It is open to the petitioner to protest against the recent amendment made in the Citizenship Act and also the proposed implementation of NRC and NPR. In a functioning democracy, it is certainly open to the petitioner herein to lodge his opposition. The petitioner does have a fundamental right to do so. He cannot be stifled. The petitioner categorically states that while conducting the said event, he will ensure that no speech that may prejudice the maintenance of the public order or public tranquillity will be made. He also states that the total attendance for the meeting is not expected to go beyond 500. He also states that even though it is to be held in a street corner, the traffic or general movement of the public will not be affected. The petitioner is directed to file an undertaking affidavit to this effect before the second respondent. The second respondent is directed to impose appropriate conditions to ensure the smooth conduct of the event and the petitioner agrees to abide by the same. Proceedings to this effect will be issued by the 2nd respondent without delay.

4.The impugned order stands set aside and writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar

/TRUE COPY/

/ /2020

Sub Assistant Registrar

To:

1.The Deputy Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Sub Inspector of Police,
Achanapudur Police Station,
Tenkasi District.

+1. C.C. to M/S.N.Syedali, Advocate SR.No. 10257

W.P. (MD)No.4720 of 2020

05.03.2020

IAS

JM/SAR 3/05.03.2020/2P/4C

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