



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5387 of 2020 and

W.M.P.(MD)No.4664 of 2020

S.Janab Maskalam

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. Superintendent of Police,
Nagercoil,
Kanyakumari District,
Kanyakumari.
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Kanyakumari District,
Kanyakumari.
3. The Inspector of Police,
Kanyakumari police station,
Kanyakumari District,
Kanyakumari.
4. The Assistant Inspector of Police,
Kanyakumari police station,
Kanyakumari District,
Kanyakumari.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 11.03.2020 on the file of the fourth respondent and quash the same as illegal and consequently directing the respondent No.2 to grant permission to the petitioner to conduct the Public meeting pertaining to Citizenship Amendment Act in Muslim Street, Main Road, Kanyakumari District at about 4.00 p.m. to 10.00 p.m. on 15.03.2020 on any other date within the time frame stipulated by this Court.

For Petitioner

: M/s.T.Seeni Syed Amma

For Respondents

: M/s.M.Anantha Devi,

Government Advocate(Crl. Side).

**O R D E R**

The petitioner wants to hold a Public Meeting condemning the recent amendments made to Citizenship Law. The petitioner's request was rejected by the impugned order dated 11.03.2020. This Court has consistently held that the rejection of the request for holding such protest meetings would constitute violation of the fundamental right guaranteed under Article 19(1)(a) and (b) of the Constitution of India. But then, in the impugned order, there is a reference to Corona Virus also.

2.The petitioner's counsel pointed out that the Sub Inspector of Police may not have the jurisdiction to reject the request for holding a public meeting. The said objection has considerable substance. Nowhere in the Police Act or in any Rule made thereunder, the Sub Inspector of Police has been clothed with the authority to grant permission or reject permission for holding public meetings.

3.In this view of the matter, the impugned order in this writ petition stands quashed. The petitioner is permitted to hold the public meeting at the petition mentioned site from 06.00 p.m. to 10.00 p.m on 15.03.2020. The learned counsel for the petitioner gives the following undertaking;

- i) the number of participants will be restricted to 500.
- ii)the general flow of traffic will not be affected in any manner.
- iii) the decibel level of the amplifier will be within the permissible limit.
- iv) none of the speakers will make any hate speech or speak in a manner that may incite violence or may cause disaffection among communities.
- v) the meeting will commence at 6.00 p.m., or later, but will definitely conclude before 10.00 p.m.
- vi) the police shall videograph the entire event.

4.The said undertaking given by the petitioner is placed on record. If this undertaking is breached, it is open to the respondents to file a contempt petition before this Court. The third respondent is directed to permit the petitioner to hold the meeting in question. The permission letter to be issued may contain additional conditions also. The learned counsel for the petitioner reiterated that he will adhere to the conditions that will be stipulated by the respondents.



5. The writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS)

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/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Superintendent of Police,
O/o. Superintendent of Police,
Nagercoil,
Kanyakumari District,
Kanyakumari.
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Kanyakumari District,
Kanyakumari.
3. The Inspector of Police,
Kanyakumari police station,
Kanyakumari District,
Kanyakumari.
4. The Assistant Inspector of Police,
Kanyakumari police station,
Kanyakumari District,
Kanyakumari.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.SEENI SYEDAMMA, Advocate (SR-11636[F] dated 13/03/2020)

W.P. (MD) No. 5387 of 2020
13.03.2020

AVS (CO)

TR(13.03.2020) 3P 7C

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