



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.5389 of 2020
and
W.M.P. (MD) No.4665 of 2020

Muslim Jama-Ath, Enayam,
represented by its Secretary,
H.Abdul Kareem

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari at Nagercoil.

2.The Deputy Superintendent of Police,
Kulachal,
Kanyakumari District.

3.The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a direction in the nature of Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 11.03.2020 on the file of the third respondent and quash the same as illegal and consequently directing the respondents to grant permission and adequate police protection to the petitioner to conduct the public protest meeting pertaining to Citizenship Amendment Act near Palam Junction, Enayam, Killiyur Taluk, Kanyakumari District in at about 4.00 pm to 10.00 pm on 13.03.2020.

For Petitioner : Mr.R.Maheswaran

For Respondents : Ms.M.Ananthadevi
Government Advocate (Crl.side)



ORDER

The petitioner wants to conduct a meeting condemning the recent amendment made to the Citizenship law. The petitioner has chosen a site near Palam Junction, Enayam.

2.The learned Government Advocate on instructions states that in that site, meetings of this sort were never conducted.

3.The petitioner was therefore called upon to choose an alternate site. The learned counsel for the petitioner fairly submitted that they would hold the meeting at Junction, Thengaipattinam. The petitioner agrees to abide by the conditions that may be imposed by the third respondent.

4.In this view of the matter, the impugned order is set aside and this Writ Petition is allowed with the following directions:

i) the third respondent shall issue proceedings permitting the petitioner to conduct the proposed meeting at Junction, Thengaipattinam on 13.03.2020 between 6 p.m., and 10 p.m.,

ii) the number of participants will be restricted to 500.

iii) the general flow of traffic will not be affected in any manner.

iv) the decibel level of the amplifier will be within the permissible limit.

v) none of the speakers will make any hate speech in a manner that may incite violence or may cause disaffection among community.

vi) the police shall videograph the entire event.

5.The third respondent is directed to issue appropriate proceedings permitting the petitioner to hold the said meeting. The permission letter to be issued by the third respondent, will contain the conditions as set out above. It is open to the third respondent to impose any additional conditions also.

6.With these directions, this Writ Petition stands allowed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar



To

1 The Superintendent of Police, Kanyakumari District,
Kanyakumari at Nagercoil.

2.The Deputy Superintendent of Police,
Kulachal, Kanyakumari District.

3.The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

4 The Government Advocate(Crl.Side)
Madurai bench of Madras High Court, Madurai.

+1 CC to M/s.R.MAHESHWARAN, Advocate (SR-11443[F] dated 12/03/2020)

W.P (MD)No.5389 of 2020
12.03.2020

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