



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.5399 of 2020

and

W.M.P. (MD)Nos.4695, 4697 and 4698 of 2020

G.Vasudevan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvidaimaruthur, Thanjavur District.

3.The Inspector of Police,
Nachiyarkovil Police Station,
Nachiyarkovil, Thanjavur District.

4.The Sub Inspector of Police,
Nachiyarkovil Police Station,
Nachiyarkovil,
Thanjavur 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 pertaining to the impugned communication issued by the third respondent vide proceedings: Nil, dated 11.03.2020 and quash the same as illegal and consequently directing the respondents to give permission and police protection for conducting of Public Meeting on 14.03.2020 between 6.00 p.m., and 10.00 p.m., near Anna Statue at Nachiyarkovil, Thanjavur District or any other date without causing any disturbance to public and for other reliefs.

For Petitioner : Mr.V.Malaiyendran

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

**ORDER**

The petitioner wants to conduct a public meeting at Vadakku Veedhi, Nachiyarkovil, near Anna Statue, Kumbakonam on 14.03.2020 between 6.00 p.m., and 10.00 p.m. The petitioner's request was rejected by the third respondent vide order dated 11.03.2020. Challenging the same, this writ petition has been filed.

2. With the consent of the counsel on either side, this writ petition is taken up for final disposal at the stage of admission itself.

3. Before this Court, more than a dozen of writ petitions have been filed seeking permission to hold public meetings condemning the recent amendments made to the Citizenship Law. This Court had consistently allowed all the writ petitions. Vide order dated 10.03.2020 in W.P.(MD)No.5004 of 2020, this Court observed as follows;

"5. No one can dispute that the issue raised by the petitioner is being debated at all levels at present. Writ petitions have been filed in the Supreme Court. Articles are being written both for and against. Leaders and intellectuals are taking positions. While Harish Salve finds nothing discriminatory in the amendments, Suthrith Parathasarathy calls it unconstitutional. India being a vibrant and functioning democracy ought to allow both to articulate their respective sides. The authorities ought not to forget that Article 19 of the Constitution of India confers the right to freedom of speech and expression and the right to assemble peaceably and without arms. These fundamental rights, of course can be subjected to reasonable restrictions laid down in Article 19(2) and (3) of the Constitution of India but not more or beyond."

4. What is sauce for the goose is sauce for the gander. If this Court has been permitting Anti-CAA meeting to be conducted, this Court is bound to permit holding of meetings in support of CAA also. The petitioner wants to conduct a meeting supporting the recent amendments. The third respondent herein has rejected the said request by assigning certain reasons.

5. I am of the view that the rejection of the petitioner's request is clearly violative of the petitioner's fundamental right guaranteed under Article 19(1)(a) and (b) of the Constitution of India. The site chosen by the petitioner is a place where such meetings are usually held. That is not in dispute. But then, the Inspector of Police, Nachiyarkovil Police Station would state that a number of Muslims are residing in the vicinity and that therefore, if any hate speech is made, it will give rise to serious law and order issue.



6.The apprehension expressed by the third respondent cannot be casually brushed aside. This Court cannot be unmindful of what happened in Delhi recently. To allay the concerns expressed by the police official, 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 in a manner that may incite violence or may cause disaffection among community.

v) the entire meeting will be commenced at 6.00 p.m., or later, but will definitely conclude before 10.p.m.

vi) the police shall videograph the entire event.

If these undertaking is breached, it is open to the third respondent to file a contempt petition before this Court.

7.The learned counsel for the petitioner gives a solemn undertaking that from the side of organization as well as the participants, there will be total self restraint and control.

8.Citizenship Amendment Act is an Act that has been validly passed by the Indian Parliament. If a person wants to conduct a meeting in support of the same and if the said right is sought to be infringed, it is the duty of the third respondent to provide fullest protection for the same. The third respondent is directed to make appropriate bandobust arrangements for the peaceful conduct of the meeting without any interruption or interference.

9.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. The learned counsel for the petitioner reiterated that he will adhere to the conditions that will be stipulated by the third respondent.

10.With these directions, this Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvidaimaruthur,
Thanjavur District.
- 3.The Inspector of Police,
Nachiyarkovil Police Station,
Nachiyarkovil, Thanjavur District.
- 4.The Sub Inspector of Police,
Nachiyarkovil Police Station,
Nachiyarkovil,
Thanjavur District.
- 5.The Government Advocate,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SANKAR, Advocate (SR-11407[F] dated 12/03/2020)

W.P (MD) No. 5399 of 2020
12.03.2020

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