



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.03.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No.5418 of 2020
and
W.M.P. (MD) No.4714 of 2020

C.Sasikumar

... Petitioner

Vs.

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

2. The Inspector of Police,
Arumanai police station,
Arumanai, Kanyakumari District.

3. The Sub Inspector of Police,
Arumanai Police station,
Arumanai, Kanyakumari District.

... Respondents

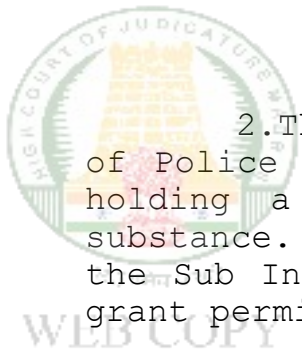
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, passed by the second respondent, in his proceedings in Na.Ka.No.02/Va.Aa/Aru/2020, dated 12.03.2020 which was signed by the 3rd respondent and quash the same as illegal and consequently direct respondents 2 and 3 to give permission to the petitioner for conducting "Citizenship Protection Conference", a public meeting which is scheduled on 14.03.2020 at about 16.00 hours, At Arumanai Junction, Kanyakumari District and to give police protection for it.

For Petitioner : Mr.C.Kishore

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 12.03.2020. 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.



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 14.03.2020. 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 second 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 (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To:

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

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Inspector of Police,
Arumanai police station,
Arumanai,
Kanyakumari District.

3. The Sub Inspector of Police,
Arumanai Police station,
Arumanai,
Kanyakumari District.

+1 CC to M/s.C.KISHORE, Advocate (SR-11630[F] dated 13/03/2020)

W.P. (MD) No. 5418 of 2020
13.03.2020

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SDS (13.03.2020) 3P-5C