

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2021

C O R A M

The Hon'ble Mr. Justice N.ANAND VENKATESH

Writ Petition No.4144 of 2021

Mohamed Farook

President-B. Adhivaraganallur Branch,
Tamil Nadu Thowheeth Jamath,
Barekhan Thaikkal, B.Adhivaraganallur Village,
Cuddalore District.

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
DPO-anaikkuppam,
Cuddalore District.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Chidambaram Division, Cuddalore District.
3. The Inspector of Police,
Buvanagiri Police Station,
Buvanagiri Taluk, Cuddalore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certioratified Mandamus calling for the records pertaining to impugned letter dated 04.02.2021 issued by the 3rd Respondent and quash the same and further direct the Respondents to consider the representation of the Petitioner dated 21.01.2021 and to provide permission to conduct street meeting at any desired place.

For Petitioner : Mr.A.Sahul Hameed

For Respondents : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

O R D E R

This writ petition has been filed challenging the impugned rejection order passed by the third respondent through proceedings dated 04.02.2021 and for a consequential direction to the respondent police to permit the petitioner to conduct the street meeting by considering the representation dated 21.01.2021.

2. The learned counsel for the petitioner submitted that there is an existing dispute between the petitioner and the rival party with regard to the construction of a mosque in the subject property and the same is pending before the Sub Court, Chidambaram in O.S.No.206 of 2017. The learned counsel submitted that the permission that was sought for from the respondent police is only for conducting a meeting and to advise the youngsters against the usage of drugs. The learned counsel submitted that if the respondent police have any objections in conducting this meeting in the subject property, the petitioner is willing to provide an alternate place where the said meeting will be conducted and the respondent police can be directed to consider the same. The learned counsel further submitted that the meeting will confine itself only to advise the youngsters against the usage of drugs and there will be no other propaganda or sensitive issues that will be discussed during the meeting. The learned counsel submitted that the petitioner is willing to give such an undertaking to the respondent police along with a fresh representation by indicating the alternate place.

3. The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that the representation made by the petitioner was rejected mainly on the ground that the subject property is already under dispute and any meeting if conducted in the subject property, will give rise to law and order problem and therefore, the request made by the petitioner was rejected. The learned Additional Public Prosecutor further submitted that if the petitioner wants to conduct the meeting in any alternate place, a fresh representation can be given to the respondent police and the same will be considered and appropriate orders will be passed.

4. Taking into consideration the facts and circumstances of the case and the specific stand that has been taken by the learned counsel for the petitioner to the effect that the meeting will confine itself only to advising the youngsters against the usage of drugs in which can be conducted even an alternate place, the petitioner is permitted to make a fresh representation to the third respondent along with an undertaking that no sensitive issues or propaganda will be done during the meeting. The petitioner shall also give the alternate place where the meeting will be held and date and time shall also be mentioned. The third respondent, on receipt of the representation, shall consider the same and if the place is unobjectionable, shall provide the permission by imposing any reasonable conditions.

5.This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
DPO-anaikkuppam,
Cuddalore District.
 2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Chidambaram Division, Cuddalore District.
 3. The Inspector of Police,
Buvanagiri Police Station,
Buvanagiri Taluk, Cuddalore District.
 4. The Public Prosecutor,
High Court, Madras.
- +3cc to Mr.M.A.Shahul Hameed, Advocate SR.NO..10756

AKM/30.03.21/3P-8C/

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