

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.NO.1595 OF 2017

Asokan

... Appellant

-vs-

1. State Rep. by
Secretary to the Government
Home Department,
Fort. St.George,
Chennai 600 009.

2. The Director General of Police,
Office of the Director General of Police,
Chennai - 600 004.

3. The Commissioner of Police,
Office of Commissioner of Police,
Salem.

4. The Inspector of Police,
B1 - Salem Town Police Station,
Salem.

.... Respondents

Prayer:-

Writ Appeal filed under Clause 15 of Letter Patent against the order in W.P.No.29479 of 2017 dated 21.11.2017 on the file of the High Court of Judicature at Madras and consequently direct the respondents to grant permission to the appellant to hold a public meeting on 17.12.2017 or on any other date which this Hon'ble Court may deem fit at Fort Maidan, Salem, between 5.00 pm and 9.00 p.m.

W.P.No.29479 of 2017:-

Praying to issue a Writ of Mandamus directing the respondents to grant permission to the petitioner herein to conduct public meeting on 19.11.2017 at Fort Maidan at Salem.

For Appellant : Mr.V.Ajoy Khose
For Respondents : Mr.K.Magesh
Special Government Pleader

J U D G E M E N T

[Judgment of the Court was delivered by P.T.ASHA,J.]

This Writ Appeal is filed challenging the order passed in W.P.No.29479 of 2017. Even at the outset the learned counsel for the appellant would submit that they are only aggrieved by the observation of the learned Single Judge that the appellant herein is guilty of suppressing material fact from the Court. Though cost had been imposed the learned counsel would not seek to challenge that portion of the order.

2. Considering the submission of the learned counsel for the appellant, it would be useful to refer to the order of the learned Single Judge at paragraph nos.13 and 14 of the order which would read as follows:

"The averments in the affidavit, in my view has been intentionally made to make-believe this Court and obtain favourable orders. It is a great disappointment that such affidavits are being filed before this Court with a clear intention to mislead the Court, since the petitioner was very much aware of the proposed agenda of the meeting and totally contrary averments has been made in the affidavit regarding the purpose of the meeting. As a matter of fact, the pamphlets do not speak a single word about the petitioner's intention to open IAS Academy for the under privileged aspirants, as indicated in his affidavit, filed in support of the Writ Petition.

14.In the result, the petition does not deserves any consideration, not only in view of his conduct, but also since such a meeting intended to be addressed by a Government Official calling upon the general public to protest and revolt, for the aforesaid causes may lead to law and order situation. Accordingly the Writ Petition is dismissed and the petitioner is directed to pay a cost of Rs.10,000/- to the Tamil Nadu State Legal Services Authority, High Court, Madras, within a period of one week from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed."

3. The genesis for this observation is as follows. The appellant had sought permission to hold a public meeting from the 3rd respondent vide their letter dated 30.10.2017. In the said letter the appellant has requested as follows:

"We have planned to open an IAS academy on 19th Nov 2017, to provide free coaching for under- privileged students. In continuation of the opening, we have planned for a public gathering to explain the activities of our Makkal Pathai in Fort Maidan, since we are expecting a total of 2000 people including our volunteers and general public. Thiru U. Sagayam IAS will address the gathering.

We request you to grant us the permission to conduct the meeting on 19th Nov 2017, from 5:00 PM to 09:00 PM at Fort Maidan."

4. A receipt of the said letter is acknowledged in the communication dated 02.11.2017 of the Assistant Commissioner, Hasthampatty Ward Office, Salem addressed to the District Collector, Salem in which a No Objection has been granted to the appellant to hold meeting at the requested site on the scheduled date subject to certain terms and conditions. However, the Police Authorities were not granting the permission which constrained the applicant to file the Writ subject matter of this Appeal.

5. Before the learned single Judge it was informed by the learned Advocate General that the meeting was not restricted to opening of the IAS academy but it also contained other agendas. As rightly pointed out by the learned counsel for the appellant even in the letter dated 30.10.2017 addressed by the appellant as legal coordinator of the association, permission was sought not only for the inauguration of the IAS academy but also for a public gathering to explain the activities of the association in question. These documents had been placed for the scrutiny of the Court even in the Writ Petition. In paragraph no.6 of the affidavit filed in support of the Writ Petition also the petitioner has set out the agenda for the meeting.

6. Therefore, in our considered view the observation of the Court that there has been a suppression of material fact may not be correct. The Writ Appeal is allowed to the extent of expunging the observations against the applicant contained in Paragraph Nos.13 & 14 of the impugned order. In other respects the order of the learned Single Judge is confirmed. The Writ Appeal is disposed off on the above lines. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kan

To

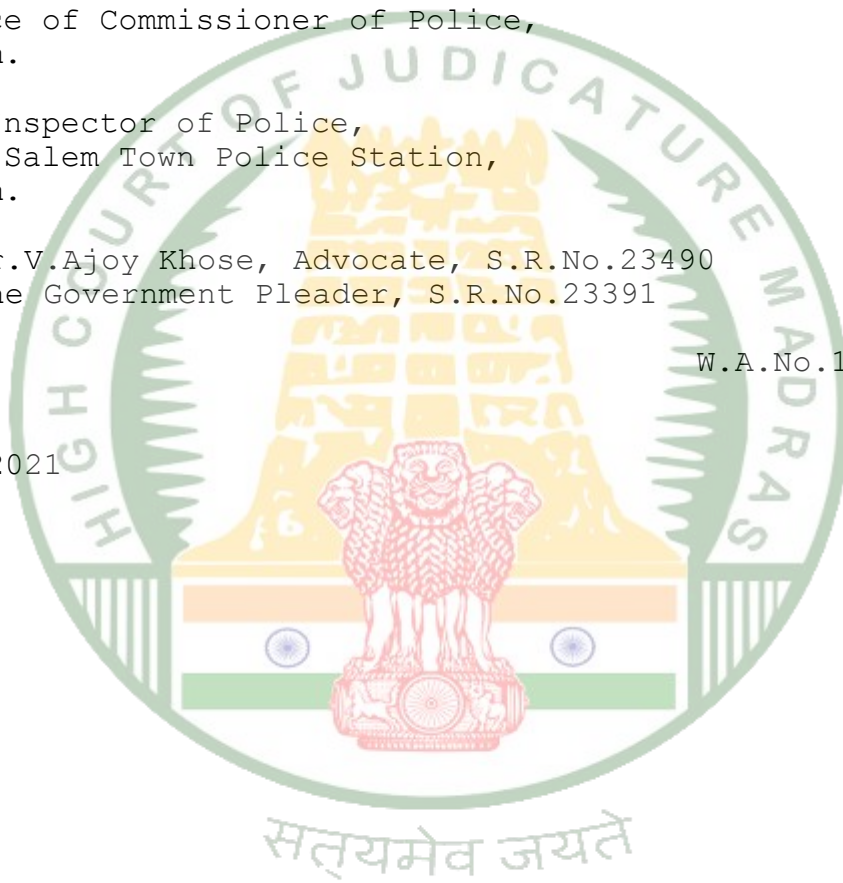
1. The Secretary to the Government
Home Department,
Fort. St.George,
Chennai 600 009.
2. The Director General of Police,
Office of the Director General of Police,
Chennai - 600 004.
3. The Commissioner of Police,
Office of Commissioner of Police,
Salem.
4. The Inspector of Police,
B1 - Salem Town Police Station,
Salem.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.23490

+1cc to the Government Pleader, S.R.No.23391

W.A.No.1595 of 2017

AJB (CO)
CS/23/06/2021



WEB COPY