



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM :

THE HONOURABLE **Mrs.JUSTICE R.HEMALATHA**

W.P.(MD)No.2989 of 2021

and

W.M.P.(MD)No.2405 of 2021

WEB COPY

Shagul Hameed

...Petitioner

/Vs./

1.The District Collector,
Collectorate Office,
Pudukottai - 622 005.

2.The Superintendant of Police,Diamond Nagar, Pudukottai.

3.The Deputy Superintendant of Police,
Kottaipattinam Sub Division,
Kottaipattinam, Pudukottai.

4.The Inspector of Police,
Manalmelkudi Police Station,
Pudukottai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the 3rd Respondent herein in his proceedings dated 14.02.2021 in Na.Ka.No.37/SDO/KPM/Camp/2021 and quash the same and consequently, direct the respondents to grant permission to conduct Religious Harmony meeting on 17.02.2021 at about 6.00 pm in Manalmelkudi Village, Pudukkottai District.

For Petitioner	:	Mr.P.Karthick
For Respondents	:	Mr.R.Saravana Kumar
		Government Advocate (Criminal Side)

ORDER

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2. This petition is filed to call for the records of the proceedings in Na.Ka.No.37/SDO/KPM/Camp/2021 dated 14.02.2021 of the third respondent and quash the same and consequently direct the respondents to grant permission to conduct Religious Harmony meeting on 17.02.2021 at Manalmelkudi Village, Pudukkottai District.

3. Mr.P.Karthick, learned counsel for the petitioner drew attention of this Court to the decision of a Division Bench of this Court in Shahul Hameed vs S.Sankar Ganesh and others in W.A.(MD) No.1422 of 2016, dated 25.11.2016, which reads as under,

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"In the light of the above cited decisions, this Court is of the considered view that there cannot be any total ban or complete prohibition for conducting public meetings demonstration. However, the said decisions would also indicate the law and order machinery, namely, the police are entitled to impose reasonable conditions and restrictions in tune with the factual situations and aspects taking into consideration the law and order and public order."

He also drew the attention of this Court to a decision of the Single Judge of this Court in W.P.(MD)No.11177 of 2018, dated 16.05.2018 and contended that the police cannot reject the petition filed by the petitioner for conducting a meeting, citing law and order problem and that the respondent has to safeguard such a situation by imposing reasonable restrictions.

4. Mr.R.Saravana Kumar, learned Government Advocate (Criminal Side), who accepts notice on behalf of the respondents, on instructions, would contend that since the third respondent received an information that there would be a law and order problem if the present meeting is permitted to be conducted, the representation submitted by the petitioner was rejected.

5. The Honourable Supreme Court and this Court, in various cases held that conduct of meeting and freedom of speech is a fundamental right and therefore, the police officials cannot lay prohibition on the sole reason that there would be law and order problem, if permission to conduct the meeting is granted. If there is a likelihood of any such situation of law and order problem, the respondent police should take adequate measure to safeguard the situation. In order to ensure that, the police can impose reasonable restrictions on the petitioner. In such circumstances, the impugned order dated 14.02.2021 in Na.Ka.No.37/SDO/KPM/Camp/2021 is quashed and the writ petition stands allowed. The petitioner is directed to approach the respondent police seeking permission to conduct meeting afresh and on receipt of such representation, the third respondent shall pass order on merits and in accordance with law, within a period of one week from the date of receipt of such representation. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

- 1.The District Collector,
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- 3.The Deputy Superintendant of Police,
Kottaipattinam Sub Division,
Kottaipattinam, Pudukottai.
- 4.The Inspector of Police,
Manalmelkudi Police Station,
Pudukottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.KARTHICK, Advocate (SR-5483[F] dated 16/02/2021)

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W.P. (MD)No.2989 of 2021
16.02.2021

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