



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25529 of 2023
and W.M.P.No.24921 of 2023

Muthukrishnan

... Petitioner

Vs.

1.The District Collector,
Cuddalore,
Cuddalore District.

2.The Deputy Superintendent of Police,
Neyveli,
Cuddalore District.

3.The Inspector of Police,
Vadalur Police Station,
Cuddalore District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order in Na.Ka.No.Nil/Ka.Thu.Ka.A dated 27.08.2023 passed by the 2nd respondent and quash the same, consequently directing the 2nd respondent to grant permission to conduct public meeting on 30.08.2023 at 4.00 pm near Vadalur Bus Stand, Cuddalore District.

For Petitioner : Mr.K.Balu

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The proceedings of the 2nd respondent dt. 27.8.2023 has been put to challenge in this Writ Petition and the petitioner has sought for a consequential direction to the 2nd respondent to grant permission to conduct the public meeting on 30.8.2023 at 4.00 pm., near Vadalur Bus Stand, Cuddalore District.

2.The petitioner is the District Secretary Of Pattali Makkal Katchi (PMK) of Cuddalore District. According to the petitioner, the political party is celebrating the completion of 35 years and hence, it was decided to conduct the public meeting on 30.8.2023. An application was given on 17.8.2023, to grant permission and police protection. However, the impugned proceedings dt.27.8.2023, came to be issued by the 2nd respondent refusing to grant the permission. Aggrieved by the same, the present writ petition has been filed before this court.

3.The learned Additional Public Prosecutor has vehemently opposed the claim made by the petitioner on the ground that the concerned political party had conducted a gathering on 28.07.2023 and the party cadres have indulged in large scale violence resulting in the registration of an FIR in Crime No.272/2023 by the Neyveli Township Police Station against 28 named persons and others. It was submitted that the party cadres had caused damage to the vehicles and other properties. That apart, the so-called public meeting is conducted once again to wake up the NLC issue and the police



are expecting that there will be yet another law and order problem. The learned Additional Public Prosecutor also submitted that provocative messages have been spread in the social media and there is also an attempt made to recognize and appreciate those persons who were involved in violence on 28.07.2023 and if the same is done, it will have a serious impact on the police force. The learned Additional Public Prosecutor submitted that the party should not be allowed to conduct any meeting at Cuddalore District and they should not be allowed to speak about the NLC issue. Accordingly the learned Additional Public Prosecutor has opposed the grant of permission to the political party to conduct the public meeting at Vadalur.

4.The learned Counsel for the petitioner submitted that the public meeting has been convened only to commemorate the completion of 35 years of the political party. The learned Counsel further submitted that the meeting will be conducted in a peaceful manner and no provocative speeches will be made and any conditions that are imposed by this court will be complied with. The learned Counsel further submitted that the earlier incident that took place is under investigation and that cannot be put against the party and they cannot be prevented from conducting the public meeting.

5.This court has carefully considered the submissions made on either side and the materials available on record.



6.The meeting is slated to be held tomorrow and hence, this court decided to pass final orders in the writ petition.

7.The learned Additional Public Prosecutor has circulated typed set of papers which contains the FIR that was registered when the earlier meeting ended in a large scale violence. The damages that were done to the Transport Corporation buses, NLC properties and the police properties have also been provided in the typed set of papers. That apart, all those messages that have been circulated in the social media and which according to the respondent police are provocative messages which has the proclivity to result in yet another law and order problem, has also been provided.

8.The learned counsel for the petitioner made it clear that the public meeting that is organized will also touch upon the NLC issue, but however no provocative statements will be made and it will only be focused on the adverse environmental effect that will be caused if NLC is permitted to proceed further with the project.

9.In the instant case, there was a very recent violation that happened on 28.07.2023, which resulted in large scale damage to the Transport Corporation buses, NLC properties, police vehicles etc. The learned Counsel for petitioner submitted that even if this court is not inclined to permit conducting the meeting at Vadulur, a request was made to atleast consider conducting the meeting at Kullanchavadi which is more



than 25 kms away from Neyveli. On the other hand, the learned Additional Public Prosecutor insisted that no meeting should be conducted at Cuddalore considering the recent violent incidents that took place on 28.07.2023.

10.The 2nd respondent has rejected the permission sought for by the petitioner by assigning various reasons and one important reason that was cited pertains to the violent incident that took place on 28.07.2023. That apart, it is the police who will be aware about the ground reality and it is they who must face any situation on the ground. Therefore, this court has to necessarily give some credence to the apprehension that has been raised by the 2nd respondent. Under normal circumstances, this court would have given an opportunity to the respondents to file a counter. However, considering the fact that the meeting is fixed to be held tomorrow, this court is inclined to dispose of the writ petition by issuing appropriate directions by considering the materials available on record.

11.This court must strike a balance and take into consideration the right of the political party to conduct a political meeting and at the same time, this court cannot close its eyes to the ground reality and turn a deaf ear to the apprehensions that have been raised by the respondent police. Ultimately, any permission given by this court should not result in yet another violent incident and cause more damage to the general public and the police.



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12. In the light of the above discussion, this court is satisfied that the public meeting cannot be permitted to be conducted at Cuddalore District, taking into consideration the prevailing situation and the strong apprehensions that has been raised by the respondent police supported by materials. Hence, it is left open to the political party (PMK) to conduct the public meeting either at Villupuram or at Kallakuruchi tomorrow. The place shall be identified and informed to the police and necessary permission and police protection shall be granted subject to the following conditions:

- (a) The meeting shall be conducted between 6 pm to 8 pm on 30.8.2023.
- (b) The leader of the political party shall ensure that no provocative speeches are made touching upon the earlier incident that took place on 28.7.2023 and there must be absolutely no reference/acknowledgment/recognition of persons who involved in violence on that day and caused widespread damage to public and private properties.
- (c) It is left open to the concerned police officer to impose other reasonable conditions to ensure that the meeting is conducted in a peaceful manner without creating any law and order problem.



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(d) The undertaking given by the learned counsel for the petitioner is taken into account and it is the responsibility of the leader of the political party (PMK) to ensure that the meeting goes on in a smooth manner without giving rise to any law and order problem and

(e) The order passed in the writ petition is only an attempt to strike a via media and this court has not gone into the merits of the case or the grounds that have been raised in the impugned proceedings of the 2nd respondent dated 27.08.2023.

13. This writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

29.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
KP

Note: Issue order copy on **29.8.2023**



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N.ANAND VENKATESH, J

KP

To

- 1.The District Collector,
Cuddalore,
Cuddalore District.
- 2.The Deputy Superintendent of Police,
Neyveli,
Cuddalore District.
- 3.The Inspector of Police,
Vadalur Police Station,
Cuddalore District.
- 4.The Public Prosecutor,
High Court, Madras.

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