



W.P(MD)No.14516 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.14516 of 2023

S.Karthikeyan

... Petitioner

Vs

The Commissioner,
Karur Corporation,
Office of Corporation, Karur.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned communication, dated 09.06.2023 issued by the respondent quash the same and direct the respondent to allocate Thiruvalluvar Vizhiyattu Maidaanam at Karur for conducting Public meeting on 01.07.2023 as per petitioner representation, dated 08.06.2023.

For Petitioner : Mr. K.Govindarajan
for Mr.S.Pon Senthil Kumaran

For Respondent : Mr.K.Balasubramanian



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ORDER

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The writ petition has been filed in the nature of Certiorarified Mandamus, calling for the records relating to the impugned communication, dated 09.06.2023 issued by the respondent, quash the same and direct the respondent to allocate Thiruvalluvar Vizhiyattu Maidaanam at Karur for conducting Public meeting on 01.07.2023 as per petitioner's representation, dated 08.06.2023.

2.It is often trumpeted, by those who contest elections and whether successful or not, that this country is a democratic country and everybody will be given a platform to voice their expressions. Every party who contests the elections, has, as their fulcrum this statement.

3.But it is quite unfortunate that when a political party comes to power, they take every measure to prevent the other party from expressing their views in public. They could place reasonable restrictions, but every individual should be permitted to speak out what they want to express. It could be in a public meeting or in any other manner. The restrictions cannot stifle expression of views.



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4.If a political party 'A' is in power, they always ensure that the views of political party 'B' are not projected to the common public. After a few years if 'B' party comes to power, they again restrict the views of 'A' party. This juggling in attitude is an everlasting feature.

5.The Courts will have to ensure that necessary guidelines are placed in a debate or on views expressed in public.

6.In the instant case, let me not enter into a discussion about the name of the political parties involved. But the petitioner, political party 'A' seeks to conduct a meeting at a particular ground Thiruvalluvar Vizhiyattu Maidaanam at Karur District. They had filed an application for the same. The respondent has not produced any records to hold that the said ground was never offered in the past for any public meeting or for any other meeting.

7.There is a contradictory stand taken on behalf of the respondent. A public servant, who walks on a tight rope, must ensure that extraneous conditions should never influence his decision making process.



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8. In the instant case, two contradictory views were expressed by the learned counsel for the respondent. Firstly, it was projected that in the said ground, meetings should never be conducted and only sports events should be conducted. At the same time, on an application given by political party 'C', a sports events for one whole month was permitted by the respondent. However, the respondent has not produced any record, as on date, about the nature of the sports event which are alleged to be conducted from the date of commencement ie., 15th June 2023 to till this date. The details of participants have not been disclosed. The order of the respondent is bereft of any detail. It has been clearly passed only derail the application given by the petitioner herein.

9. It is all the more important that one should be provided with an opportunity to voice their views or to express their views in any manner. Attempts are always made to stifle views. This attitude should not be permitted, rather should be prohibited by the Court. In this country, everybody must be allowed to express their views. Mere denial of that opportunity, would not help anybody. Meetings are often conducted. It must be kept in mind that what is addressed in a public meeting, would pass away



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in air. When restrictions are placed and letters are addressed refusing permission, then, innocuously it might come under the scanner of thousands of people, who would like to know the cause for refusal. This is common psychology.

10.The respondent, who is a public servant and receives salary, owing to taxes paid by the general public, had denied permission to the petitioner herein, without producing any records to substantiate the reason that public meetings should not be conducted in the said ground, while at the same time, granting permission to another person. This act does not withstand the scrutiny of this Court.

11.The respondent has denied the permission to the petitioner to conduct a meeting and passed the impugned order and then granted permission to another individual to conduct sports event. This order is an invitation to popularize the petitioner herein. The respondent would have to suffer on that account.



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12.The respondent has not filed any document indicating the name of the individual, who sought permission to conduct sports programme and who had paid necessary fees, the name of sports programme conducted for the past eight days and the programmes to be conducted for the next at least 22 days. I am not able to comprehend the nature of the sports event that will be conducted for a period of one whole month, that too within a district. There should be reasonableness in the statement made by the respondent herein.

13.In ***Mohinder Singh Gill & Anr vs The Chief Election Commissioner***, reported in ***1978 AIR 851, 1978 SCR (3) 272***, it had been held as follows:

“The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose J. in Gordhandas Bhanji (1) "Public



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orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in Ms mind, or what he intended to, do. Public orders made by public authorities are meant to have public effect and are intended to effect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself."

Orders are not like old wine becoming better as they grow older:."

The Constitution Bench had clearly stated that in the order, which is questioned the reasons should be given and should not be stated subsequently in the counter affidavit. If the application given by the person to conduct sports event is a *bona fide* application, the respondent could have named the individual in the impugned order.

14.The impugned order is set aside. It does not contain the name of the person, the date on which the application was made, the date on which fees for such sports events was paid and also the nature of sports events which are going to be conducted. It does not state that in the past, no meetings were



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ever conducted in that place and that in future, no public meeting would ever

be held in that place. None of these aspects are found in the impugned order.

If these aspects had been given in the impugned order, then the petitioner could have had a clarity as to why his application was rejected. The reasons stated by the respondent are an afterthought and I am not prepared to accept them.

15.The respondent could impose reasonable restrictions, with respect to number of vehicles which could be permitted to go across in the road and thereby not inconvenience the general residents of the place, the time of the meeting and the sound system to be used.

16.Unfortunately, the respondent had not instructed the learned counsel on these grounds. I hold that the reason of sports programme is only a charade to prevent the petitioner from conduct the meeting. It is not *bona fide* in nature. The impugned order is set aside.

17.The petitioner has every right to conduct a public meeting in the named place at ***Thiruvalluvar Vizhiyattu Maidaanam at Karur District***



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on the date fixed ie., **01.07.2023**, for which, the application was made. The necessary fees has to be received by the respondent. The petitioner must maintain decorum and should not indulge in any untoward activity.

18.Accordingly, the writ petition stands allowed. No costs.

23.06.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

Note :Issue order copy on 28.06.2023

To

The Commissioner,
Karur Corporation,
Office of Corporation, Karur.



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C.V.KARTHIKEYAN, J.

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