



W.P.(MD) No.17257 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.17257 of 2023

S.Thiruvikka

... Petitioner

/vs./

1.The Superintendent of Police,
Karur,
Karur District.

2.The Deputy Superintendent of Police,
Karur Sub Division (Town), Nagariyam,
Karur 639 002.

3.The Inspector of Police,
Vengamedu Police Station,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.247/Kaa.Thu.Ka/Ka.U/Karur/2023 dated 24.06.2023 passed by the 2nd respondent as illegal and quash the same and consequently direct the respondents to grant permission to conduct condemnation public meeting scheduled on 20.07.2023 at Anna Statue, Vengamedu, Karur by



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considering the petitioner's representation dated 13.07.2023 within a time frame fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy Senior Counsel for
Mr.J.Senthil Kumaraiah
For Respondents : Mr.SS.Madhavan
Government Advocate (Crl.side)

ORDER

This petition is filed for setting aside the impugned order dated 24.06.2023 passed by the respondent No.2 police vide proceedings Na.Ka.No. 247/Kaa.Thu.Ka/Ka.U/Karur/2023 and to direct the respondent No.2 police to grant permission for conducting demonstration/public meeting on 20.07.2023 at Anna Statue, Vengamedu, Karur, based on the petitioner's representation dated 13.07.2023.

2.It is submitted by the learned counsel for the petitioner that the petitioner is an active member of All India Anna Dravida Munnetra Kalagam which has decided to hold public meeting scheduled on 21.06.2023 all over Tamil Nadu. A representation was given on 16.06.2023 to the respondents 1 to 3 police to grant permission for conducting of said meeting on 21.06.2023 at Anna Statue



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3.The respondent No.2 police, however, has refused to grant the permission to conduct the meeting on 21.06.2023 by way of impugned order dated 24.06.2023 by citing that in the year 2019, when the permission was granted for conducting the condemnation public meeting at the same place, law and order problem arose between the ruling and the opposition parties and the place, where the meeting is proposed to be conducted, there are schools, colleges and there is no parking facilities of two wheelers as well as four wheelers.

4. Learned counsel for the petitioner has submitted that on 07.05.2023, the respondents 1 to 3 police have permitted the other political party to conduct the meeting at the very same place, thereby the respondent police are discriminating in granting permission, which is in violation of Article 19(1)(a) and (b) of the Constitution of India. It is further submitted that Section 30/2 of the Police Act is only regulatory and not prohibitory in conducting of public meeting. Therefore, he sought for issuance of suitable directions.



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5. The learned Government Advocate (Crl.side) on the other hand submits that the place, where the meeting is proposed to be hold, is a market place and the schools, colleges are available there and in case, if the meeting is held, it causes inconvenience to the public at large. It is also submitted that in case if large number of people are attending the meeting, it becomes very difficult to maintain law and order in case if any untoward incident happens. Therefore, the learned Government Advocate (Crl.side) has submitted that the police have rightly rejected the request of the petitioner to grant permission to conduct the condemnation public meeting on 21.06.2023.

6. In the judgment of the Hon'ble Supreme Court in ***K.Phanindra Reddy and others Vs. G.Subramanian*** reported in ***2023 SCC Online SC 402***, it has been held as under:-

“9.As rightly contended by all the learned senior counsel on the side of the respondent, the main objection raised by the State before the High Court was that after the imposition of a ban order on another organization, law and order problems cropped up in certain places and that the same led to several cases being registered. The details of those cases are actually furnished in the memorandum of grounds of special leave petition(s). We do not wish to extract in this



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order, the Chart provided by the State in Ground No.BB of Special Leave Petition (C) No.4163 of 2023, on account of its sensitivities. But the Chart provided by the State Government shows that the members of the respondent organization were the victims in many of those cases and that they were not the perpetrators. Therefore, it is not possible for us to find fault with the order passed by the learned Judge either in the main writ petitions or in the review applications. Hence all the special leave petitions are liable to be dismissed.”

7. In *Manitha Neethi Pasarai, rep. By its District President, A Kalith Mohammed, Madurai Vs. The Inspector General of Police and Commissioner of Police, Madurai City* reported in (2009) 1 MLJ 695, this Court has held as follows:-

“19.In the present case, the arguments advanced by the Additional Advocate General that similar requests made by three other bodies was also denied and therefore, complete egalitarian principle adopted by the Commissioner, cannot be accepted. First of all, other bodies are not before this Court and consequently, the circumstances under which their requests were rejected was also not placed before this Court. In any event Courts have never recognized the flood gate theory. If such requests are made consistent with law, then they will also have their rights guaranteed by Courts. In the



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matter of deciding the fundamental rights of Citizens, such arguments cannot be accepted. The other argument that the Police will have very thin force, hence they may not be able to attend to the meeting organised by the petitioner also cannot be accepted. It is not a case where the petitioner association is seeking for police protection, and in such cases the proportional strength of the police can be determined. The further submission that there is likelihood of speeches made in the said meeting, inciting communal hatred or leading to seditious activities. These are the matters which can be decided only after the meeting takes place, over which there are sufficient measures are provided under the laws of the Country. Therefore, duty bound by the Division Bench of this Court in C.J.Rajan's case (cited supra). The Writ Petition deserves to be allowed.

20. In the result, the order of the respondent Commissioner stands set aside to the extent indicated above and the petitioner is hereby permitted to hold a meeting on 15.08.2008 between 3.00 P.M. to 6.00 P.M at Viragu Pettai Thiddal near Mattuthavani Bus Stand as requested by them. If the respondent Police wants to provide any security, it is left to them to provide such a security as may be necessary for the smooth conduct of the meeting. ”



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8. In the case on hand, admittedly, the place, where the meeting is proposed to be conducted, is declared as one of the places, where the meetings can be held by the public or other social groups and it is also the fact that one of the ruling party was allowed to conduct the meeting recently in the same place. Considering the circumstances and the authorities referred above the reasons in rejecting the request of the petitioner to grant permission to conduct the condemnation public meeting are totally unconvincing. Accordingly, the impugned order passed by the respondent No.2 police vide proceedings Na.Ka.No.247/Kaa.Thu.Ka/Ka.U/Karur/2023 dated 24.06.2023 is hereby set aside and the respondent No.2 police is directed to grant the permission to the petitioner to conduct the condemnation public meeting as sought for by him on the following conditions:-

- a) The petitioner is permitted to conduct the condemnation public meeting on 20.07.2023 at Anna Statue, Vengamedu, Karur at about 09.00 am.,
- b) The petitioner shall ensure that the number of persons attending the meeting shall not exceed 200 persons.
- c) The respondent police shall ensure not to obstruct the smooth flow of traffic in the place, where the meeting is proposed to be conducted.



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d) The respondent police are permitted to impose other conditions upon the petitioner, if necessary, to maintain the law order.

e) If any of the condition is violated by the petitioner, the permission granted by this Court is stand vacated and the respondent police are at liberty to take appropriate action against the petitioner as well as the organizers of the said function.

9. With the above direction, this Writ Petition is allowed. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

18.07.2023

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Issue order copy on 18.07.2023



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To

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DR.D.NAGARJUN, J.

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