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Writ Petition No.4407 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.4407 of 2024

Anbu

S/o.Sreerangan

... Petitioner

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Omalur, Salem District.

2.The Inspector of Police,
Jalakantapuram Police Station,
Salem District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for records pertaining to the order dated 16.02.2024 passed by the second respondent bearing Na.Ka.En:01/Se.Aa/Jalakantapuram/2024 and to quash the same as illegal and against the fundamental rights guaranteed under Article 19(1)(a) of the Constitution of India and consequently direct the respondents to grant permission to hold public meeting on 24.02.2024 at 05.00 p.m. at the venue nearby Thanapathiyur Bus Stop, Mettur Taluk, Salem District.



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For Petitioner : Mr.R.Thirumoorthy
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the impugned proceedings dated 16.02.2024 issued by the second respondent and for a consequential direction to the respondents to grant permission to the petitioner to hold public meeting at the venue near Thanapathiyur Bus Stop, Mettur Taluk, Salem District.

2. Heard Mr.R.Thirumoorthy, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. When the matter came up for hearing on 22.02.2024, this Court directed learned Additional Public Prosecutor to take instructions as to who is actually opposing for conducting the meeting and whether it is necessary for the petitioner to look for some other alternative place.



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4. When the matter came up for hearing today, learned Additional Public Prosecutor, on instructions, submitted that when the previous meeting was held in the year 2023, it was objected by a particular organization and also the people belonging to the locality, which resulted in registration of a First Information Report in Crime No.195 of 2023. In view of the same, since some law and order problem was anticipated, the rejection order was passed by the second respondent. Learned Additional Public Prosecutor, on instructions, submitted that the venue that has been identified by the petitioner is the venue, which is normally given for conducting public meetings.

5. Taking into consideration the facts and circumstances of the case and on carefully considering the submissions made by learned Additional Public Prosecutor and after ascertaining as to when this venue will be free for conducting the public meeting, this Court is inclined to interfere with the impugned proceedings dated 16.02.2024. There shall be a direction to the second respondent to grant permission to the petitioner to conduct the



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public meeting on 03.03.2024. It is left open to the second respondent to impose necessary reasonable conditions. The respondents shall ensure that no law and order problem is created and that the entire meeting is conducted in a smooth manner.

This writ petition is disposed of in the above terms. No costs.

26.02.2024

Note: Issue order copy by 27.02.2024

Index : Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No
gm

To

- 1.The Deputy Superintendent of Police,
Omalur, Salem District.
- 2.The Inspector of Police,
Jalakantapuram Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court of Madras.

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N.ANAND VENKATESH, J

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