



W.P.No.9105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

W.P.No.9105 of 2024

and

W.M.P.No.10125 of 2024

K. Deivachandaran

... Petitioner

Vs.

1.The Chief Assistant Election Officer,
and Revenue Divisional Officer,
13, Vilupuram (Reserve) Parliament,
Vilupuram District,
74, Vilupuram Assembly Constituency,
Moovendar Nagar, Vilupuram-605 602.

2.The District Election Officer and District Collector,
Vilupuram Assembly Constituency,
Vilupuram District, Collector Office Road,
Moovendar Nagar, Vilupuram-605 602.

3.The Inspector of Police,
Taluk Police Station,
Vilupuram Taluk, Vilupuram District.

4.The Superintendent of Police
Vilupuram District,
Collector Office Road,
Moovendar Nagar, Vilupuram-605 602.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution



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of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the 1st respondent செ.மு.எண். தேர்தல்கள் /002/2024 dated 21.03.2024 and quash the same as illegal and directing the 1st respondent to grant permission to hold public state conference on 07.04.2024 or any other date within 14.04.2024 at Municipal Tidal near to New Bus Stand at Vilupuram or the venue earmarked within the town for the public meeting.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein wants to conduct a conference at Vilupuram District and he has made an online application. The Chief Assistant Election Officer, who has to decide about the congression of person under the guise of meeting, since the Code of conduct has come into force, had considered the online request and declined to grant permission on the ground that since the place which has been chosen for conducting meeting is very near to the bus stand and educational institution and also the highway over bridge work is going on. Therefore, the public meeting will cause disturbance to the public peace and movement. Being



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aggrieved, the present Writ Petition is filed.

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2. The learned counsel appearing for the petitioner states that as an organizer of an association of People's Democratic Youth Association have every right to conduct meeting and therefore, refusal to grant permission is contrary to the right guaranteed under the Constitution.

3. This Court has no second opinion about the right conferred to an organization to conduct meeting, but however, this Court is also aware of the fact that such right is subject to the reasonable restriction. When the Chief Assistant Election Officer have thought fit that the place which was chosen by the petitioner to conduct meeting and the day is not conducive for the public peace and maintenance of law and order. The reason stated is reasonable and inconsonance with the provision of the Constitution. Therefore, this Court is not inclined to entertain this Writ Petition. However, if the petitioner makes a fresh representation for conducting the meeting in some other place, which should not cause any disturbance to the public peace and movement and some other day after the election, such representation must be considered in accordance with



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law and same must be intimated to the organization well in advance for them to organize.

4. With the above observation, this Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

02.04.2024

rpl

To

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5.The Public Prosecutor,
High Court of Madras,
Chennai



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Dr.G.JAYACHANDRAN, J.

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