



WEB COPY



W.P.No.24184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

W.P.No.24184 of 2024
& WMP.No.26443 of 2024

S.Kumarappa @ Kumaravel

... Petitioner

Vs.

1.The State rep by
The Superintendent of Police,
Salem,
Salem District.

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

... Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to direct the respondents to grant permission to hold Public meeting on 27.08.2024 at Sathurangadi Thidal, Mettur pursuant to petitioner's representation dated 07.08.2024.

For Petitioner : Mr.R.Thirumoorthy

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

ORDER



W.P.No.24184 of 2024

WEB COPY

The petitioner herein earlier sought for permission to conduct protest meeting against the police atrocity. The said request was declined by the respondent police. Thereafter, a fresh application has been made by the petitioner herein on 07.08.2024 requesting to grant permission for conducting the protest meeting on 27.08.2024 between 06.00 p.m to 10.00 p.m. The respondent Police have not acted upon the said representation. Hence, the Writ Petition is filed seeking a direction.

2. When the matter came up for consideration on 22.08.2024, it was adjourned to 27.08.2024 for the respondent to file a status report. Today, a counter affidavit filed by the second respondent and adopted by the first respondent has been filed, wherein, it is stated that the permission could not be granted since promulgation under Section 30(ii) of the Police Act is in force. Further, it is stated that the place mentioned for meeting is a very busy place and it is also a market place and if permission is granted, it will lead to traffic problem. Also, certain personal allegations has been made against the petitioner herein.



W.P.No.24184 of 2024

WEB COPY

3.This Court on perusing the counter affidavit finds that the reasons for refusal to grant permission are very flimsy and motivated. Regulatory order under Section 30(ii) of the Police Act cannot be used as a Prohibitory Act. Further, it is also stated by the learned counsel for the petitioner that Sathurangadi Thidal in Mettur Town is a place where all the political parties have their meeting and programmes. Therefore, the respondent Police cannot take umbrage under the garb of traffic problem and deny permission for the petitioner organization. Hence, the respondent Police is directed to grant permission to the petitioner organization to conduct the protest meeting at Sathurangadi Thidal.

4.The learned counsel for the petitioner states that the permission may be granted for conducting the protest meeting on 04.09.2024.

5.Recording the same, the Writ Petition is disposed of with a direction to the respondent Police to permit and give protection to the petitioner organization for the protest meeting scheduled to be held on 04.09.2024. The petitioner shall give a formal request to the respondent Police indicating the date, time and expected number of participants, on



W.P.No.24184 of 2024

WEB COPY

or before 01.09.2024. No costs. Consequently, the connected miscellaneous petition is closed.

27.08.2024

Tsg
Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation : Yes/No

To

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

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

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



WEB COPY



W.P.No.24184 of 2024

Dr.G.JAYACHANDRAN, J.

Tsg

W.P.No.24184 of 2024

27.08.2024