



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.03.2011

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.3427 of 2011

T.Boopathi Raja, S/o.V.Thangaraj,
The Secretary, Piramalai Kallar Youth Federation,
N.S. Complex, Nandavanam, Peraiyur Road,
Usilampatti, Madurai District.

: Petitioner

Vs

1.The Inspector General of Police (South Zone),
Natham Road, Madurai.

2.The Superintendent of Police,
Madurai Rural District, Madurai.

3.The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti, Madurai District.

4.The Inspector of Police,
Sedapatti Police Station,
Sedapatti, Madurai District.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant permission for conducting the martyrs' ceremony to be held at 10.00 a.m. at Perungamanallur village and to hold public meeting at 07.00 p.m., in Usilampatti on 03.04.2011 and also to provide with adequate police protection.

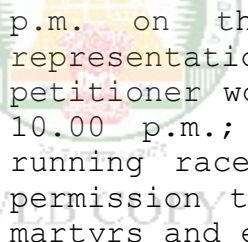
For petitioner : M/s.J.Selvam

For respondents : Mr.K.Balasubramanian, Additional Government Pleader

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents to grant permission for conducting the martyrs' day to be held on 03.04.2011, at 10.00 a.m. at Perungamanallur village and to hold public meeting at 07.00 p.m., in Usilampatti on 03.04.2011 and also to provide adequate police protection.

2. The learned counsel for the petitioner would contend that the petitioner wants to conduct a meeting to pay tribute to the martyrs of the Piramalai Kallars at the square in Perungamanallur village and this meeting has been held for the past fifteen years and as per Resolution No.98 dated 10.03.2011, the petitioner had arranged for the usual ceremony at the martyrs' square in Perungamanallur village on 03.04.2011 at about 10.00 a.m. and to hold a public meeting at Usilampatti at around 06.00



p.m. on the same day, for which, he has sought permission by representation dated 11.03.2011. He would further contend that the petitioner would not block the road and the public meeting will end before 10.00 p.m.; the petitioner would give up the torch-bearing marathon running race and the evening rally and the petitioner would only seek permission to conduct the meeting in the morning to pay tribute to the martyrs and evening public meeting.

3. A notice was issued. The Inspector of Police, Usilampatti Circle, has filed a counter, in which it is specifically stated that if the meeting is allowed, there might be disturbances due to election and marathon race will be used as an election campaign and they are finding it difficult as there is a likelihood of the impending visit of the leaders due to election. Subsequently, we have also called for a report. In the said report, they have only stated that the public meeting and rally should not be used as an election campaign for one P.V.Kathiravan, who is a Forward Block Party candidate. Ultimately, they have stated that the permission may be granted subject to the condition that the speakers participating in the indoor meeting may be restricted only to five, no candidate of any political party be allowed to take part in the indoor meeting, the total number of participants in the indoor meeting should not exceed 200 and the duration should be restricted to only two hours and the meeting should be conducted between 5.00 p.m. and 7.00 p.m.

4. Heard the learned counsel on either side.

5. The learned counsel for the petitioner would contend that the public meeting as well as the morning meeting to pay tribute to the martyrs are being conducted for the past fifteen years regularly on a particular date, viz., the 3rd April every year. It is also clearly stated in the affidavit that due to the impending election, they are not taking any torch-bearing procession and they will abide by all conditions imposed by the police and they would seek only two permissions viz., one for the meeting to be conducted in the morning to pay tribute to the martyrs at Perungamanallur village for a period of one hour and the other is to conduct a public meeting in the evening at Usilampatti police station limits for a period of two hours viz., between 06.00 p.m. and 08.00 p.m. The learned counsel for the petitioner undertakes that the evening public meeting or the morning gathering will not be utilised for election purposes or for utilising the same as a forum for projecting any candidate and no election symbols will be utilised, no election party members will be allowed to participate, no party leaders will be invited for participation and also undertakes that they will follow the rules, regulations and conditions imposed by the police and they will also co-operate with the police in maintaining law and order and also the crowd will be restricted. With these undertakings, they would like to conduct this meeting only to invoke the blessings of the martyrs.

6. Taking into consideration the request of the petitioner as well as the submissions made by the respondents that this meeting may be utilised as a political arena and also taking into consideration that there might be a difficulty in providing full bandobust in the public places, <https://hcservices.ecourts.gov.in/hcservices/> to state that the limited request of the petitioners may be considered by the third respondent insofar as the morning meeting, it will be conducted between 07.00 a.m. and 08.00 a.m. at Perungamanallur



village and that will be restricted only to paying tribute to the martyrs in that place.

7. As far as the evening public meeting is concerned, the respondent police shall permit the petitioner to have a meeting within the Usilampatti Town Police station limits and the place has to be identified by the third respondent police and that meeting shall be only between 06.00 p.m. and 08.00 p.m. with a specific condition that the petitioner will abide by all the conditions imposed by the third respondent in this regard and the meeting will be restricted to a crowd of not more than 300 people, for which the petitioner agrees and undertakes that the meeting will be with the restricted crowd only. With the above conditions, the third respondent is directed to consider the representation dated 11.03.2011 and issue necessary orders to hold the meeting to pay tribute to the martyrs in the morning between 07.00 a.m. and 08.00 a.m. at Perungamanallur village and for the meeting within the Usilampatti Town Police Station limits on 03.04.2011 between 06.00 p.m. and 08.00 p.m.

The writ petition is disposed of as per the above terms. No costs.

SD

ASST REGISTRAR (CO)

/TRUE COPY/

SUB ASST REGISTRAR

srm

To

1.The Inspector General of Police (South Zone),
Natham Road, Madurai.

2.The Superintendent of Police,
Madurai Rural District, Madurai.

3.The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti, Madurai District.

4.The Inspector of Police,
Sedapatti Police Station,
Sedapatti, Madurai District.

1CC TO MR. J. SELVAM, ADVOCATE, SR: 12144:

1CC TO THE SPL. GOVT PLEADER SR: 12378:

DM:2011::APRIL:01:::

Order made in
W.P. (MD) No.3427 of 2011
31.03.2011

3P:7C::