

WP.(MD)No.2386 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.02.2020

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

WP.(MD)No.2386 of 2020

L.Cheziyan @ Sakthivel

... Petitioner

Vs.

1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Trichy.

2.The Assistant Commissioner of Police,  
Office of the Assistant Commissioner of Police,  
Sri Rangam Region (L&O),  
Trichy.

3.The Inspector of Police (Law and Order)  
Thillai Nagar Police Station,  
Trichy District.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari and Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.47-1/A/Ka/Uv.Aa/Sri Rangam Region/Thi.Ma/2020, dated 04.02.2020, on the file of the second respondent as illegal and consequently direct the respondents 1 and 2 to grant permission to conduct Conference in the title of "Withdraw the Citizenship Amendment Act-National Register of Citizens-National Population Register which

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destroy the Secularism and Basic Structure of the Constitution of India" on 23.02.2020 at 04.30 p.m to 10.00 p.m venue at Thenur Ulavar Santhai Corporation Ground, Trichy based on the petitioner's representation dated 18.01.2020.

For Petitioner : Mr.A.John Vincent

for Mr.S.Vanchinathan

For Respondents : Mrs.S.Bharathi

Government Advocate (Crl. side)

**ORDER**

This writ petition has been filed to quash the proceedings in Na.Ka.No.47-1/A/Ka/Uv.Aa/Sri Rangam Region/Thi.Ma/2020, dated 04.02.2020, issued by the second respondent and direct the respondents 1 and 2 to grant permission to conduct Conference in the title of "Withdraw the Citizenship Amendment Act-National Register of Citizens-National Population Register which destroy the Secularism and Basic Structure of the Constitution of India" on 23.02.2020 at 04.30 p.m to 10.00 p.m at the venue of Thenur Ulavar Santhai Corporation Ground, Trichy, based on the petitioner's representation, dated 18.01.2020.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

3. It is the case of the petitioner that on 18.01.2020, he has submitted a petition to the respondents praying them to grant permission to conduct Public Conference in respect of the title "Withdraw the Citizenship Amendment Act-National Register of Citizens-National Population Register which destroy the Secularism and Basic Structure of the Constitution of India" on 23.02.2020 at 04.30 p.m to 10.00 p.m venue at Thenur Ulavar Santhai Corporation Ground, Trichy. By communication dated 25.01.2020, the second respondent has given the questionnaire with 15 questions in Na.Ka.No.47/A/Ka/Uv.Aa/Sri Rangam Region/Thi.Ma/2020, dated 25.01.2020 and the petitioner has also replied to the questionnaire and requested the second respondent to give permission. However, the second respondent rejected the permission for conducting the Public Conference stating the following reasons namely:-

- "i)The venue is nearer to hospitals, Court and worship places
- ii)The reply to the questionnaire is not satisfactory
- iii)Law and Order problem may arose
- iv)Speakers list not provided
- v)Earlier contact is not satisfactory
- vi)Pamphlets, wall writings made by the

petitioner's organization creates problem.

viii) Already cases are pending against singer Mr.Kovan. Hence his songs may create a law and order problem."

4. The learned counsel for the petitioner would submit that the reasons assigned by the second respondent to deny permission does not have the sanction of law. Though under the police act and Standing Orders, the respondents have the power to regulate the meetings and they do not have the power to deny the peaceful assembly and meeting in a democratic country. Everybody is having the right to express their views and that basic right cannot be curtailed by the police and it is the duty of the respondents to protect the constitutional rights of every citizen. He would further submit that the petitioner is prepared to abide by any kind of reasonable condition that may be imposed by the respondents and that they have also decided to conduct the meeting on 23.02.2020 (which falls on Sunday) at 04.30 p.m to 10.00 p.m at Thenur Ulavar Santhai Corporation Ground, Trichy, which is far away from the town, which does not cause any problem to the traffic or public. He would further submit that even during last year, the petitioner had made a representation for conducting meeting and since it was rejected, the

petitioner had approached this Court by way of filing a writ petition in W.P. (MD)No.3154 of 2019 and this Court by order dated, 13.02.2019, granted permission to the petitioner on him agreeing to comply with certain conditions and undertaking.

5.The learned Government Advocate(Crl.side) would submit that the Deputy General of Police, Tamilnadu had issued the circular/memorandum in R.C.007301/Genl I(1)/2019, dated 09.04.2019, which contains conditions for procession and also other events and would submit that if the petitioner approaches the respondent police with a fresh application and undertaking to abide by the conditions enumerated in the memorandum, dated 09.04.2019, it will be suitably considered. She would further submit that the second respondent has filed a counter affidavit, wherein it has been stated that the respondents have some apprehension\_with regard to the participation of the singer, named, Mr.Kovan and that several cases are filed against the petitioner's organization very recently. She would further submit that though the respondents have asked for names of the participants, the petitioner has not given the names of the participants. She would further submit that the respondents have apprehension that the petitioner shall display

cartoons and caricatures, which will be affecting the religious sentiment of other religious group.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner organizers are prepared to abide by any stringent conditions and that they are prepared to follow the condition, which was imposed in the earlier orders passed by this Court in W.P. (MD)No.3154 of 2019, dated 13.02.2019.

7. Taking into consideration the submissions of the learned counsel on either side, the impugned order, dated 04.02.2020, is quashed and the petitioner shall give a petition along with necessary undertakings to the respondent Police. On receipt of such petition along with necessary undertakings, the respondents shall permit the petitioner to conduct the Conference in the title of "Withdraw the Citizenship Amendment Act-National Register of Citizens-National Population Register, which destroy the Secularism and Basic Structure of the Constitution of India" on 23.02.2020 at 04.30 p.m to 10.00 p.m at the venue at Thenur Ulavar Santhai Corporation Ground, Trichy, by imposing the following conditions:

*1)That the petitioner takes responsibility that none of the Speakers, while they exercise their right to free speech and expression, will violate or infringe any of those heads (on which State has made laws or has power to make laws) under Article 19(2) of the Constitution (each of them should be specifically stated) and that he would abide by the Constitutional values, and that he takes responsibility, for peaceful conduct of the meeting.*

*2)That no picture, cartoons, caricatures, posters and every form of visual depiction, depicting any Religious symbols or other images be used in any form as to hurt the Religious Sentiments of any Religious group, nor shall display anything banned under the laws of India.*

*3)The meeting shall be permitted to hold at the prescribed place and prescribed time. The proposed meeting shall not be conducted beyond the prescribed time.*

*4)The organizer shall ensure that there is no hindrance to the traffic and the general public.*

*5) The volume of speakers provided should be at a minimum level, so as not to cause any disturbance to neighbors.*

*6) There should not be any speech, which would affect the sentiments of other religious or caste or race.*

7) *The speech shall not affect the sovereignty of India.*

8) *The speech shall not affect the peace and harmony.*

9) *If there is any stage to be installed, a structural stability certificate should be obtained from Public Works Department.*

10) *Organizers shall not erect any digital banners/placards on either side of the arterial roads, platforms, walkways/major roads and any other roads.*

11) *The speakers of the procession/meeting shall address only on the general issues and shall not speak on any other topics, which would affect the sentiments of other religious or political or caste communal parties/leaders.*

12) *If the meeting is stopped or changed by the respondent Police for any urgency, the organizers shall co-operate with the respondent Police.*

8. The petitioner is directed to ensure that the conditions are strictly compiled with and also to ensure that no law and order problem is created in the course of conducting the meeting.

9.The writ petition stands disposed of with the above directions. No costs.

Index : Yes/No

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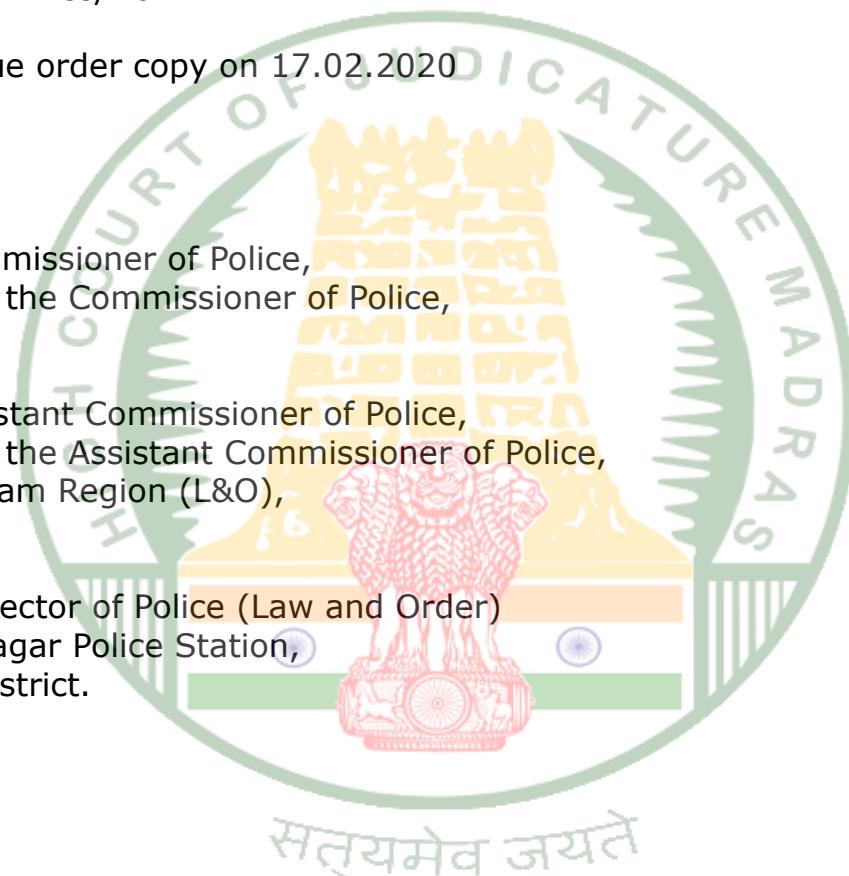
Internet : Yes/No

sj

Note : Issue order copy on 17.02.2020

To

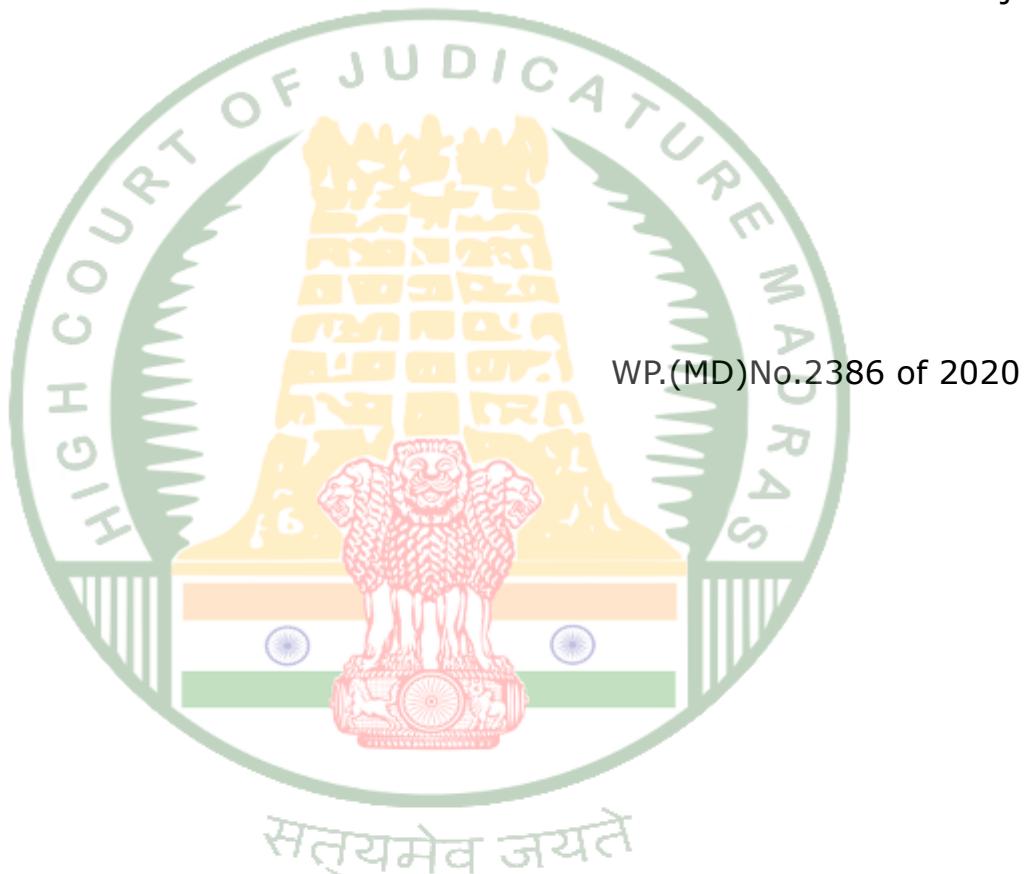
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**A.D.JAGADISH CHANDIRA, J.,**

sj



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