

(2015) 04 MAD CK 0175

In the Madras High Court

Case No : Writ Petition No. 10067 of 2015 and M.P. Nos. 1 and 2 of 2015

S. Senkuttuvan

APPELLANT

Vs

The State and Others

RESPONDENT

Date of Decision : 08-04-2015

Acts Referred:

Citation : (2015) 04 MAD CK 0175

Hon'ble Judges : M. Sathyanarayanan, J

Bench : Single Bench

Advocate : R. Thirumoorthy, for the Appellant; R. Vijayakumar, AGP, Advocates for the Respondent

Final Decision : Disposed off

Judgement

M. Sathyanarayanan, J.

1. By consent, the writ petition is taken up for final disposal.
2. The petitioner claims that he is the District President of Dravidar Viduthalai Kazhakum in Kancheepuram District and his Association has been functioning for the past several years to eradicate the communalism and bring the social harmony to the society. He and other affiliated members of the said association, work for the welfare of the society and rendering their services to oppressed and depressed the people in the society. The petitioner would further state that the association is working for annihilation of caste and to curtail superstitious practices which are misused to exploit the people or cause them financial or physical harm and it is not targeting the religion and their concern is only with regard to the misuse of faith to victimize the innocents. It is further stated by the petitioner that the petitioner's organisation has planned to hold a campaign, by conducting a public meeting for the purpose of eradicating the caste and communalism on 30.03.2015 at Tambaram. In this regard, they have submitted an application on 01.04.2015 to the second respondent, and it was rejected vide impugned order dated 05.04.2015, stating that on earlier occasion i.e., on

22.03.2015, in Om Sakthi Amman Temple, Mahabalipuram, the association while conducting a meeting had spoken something against some section of the people belonging to a particular religion as well as their God.

3. In this regard, one Babu President of Hindu Munnettra Union, has given a complaint on the file of the Mahabalipuram police, based on which, a case is registered in C.S.R. No. 129/2015 on 23.03.2015 and the enquiry is being conducted. It is stated in the impugned order that in Tambaram, there is already a caste dispute between Hindu, Muslim and the people belonging to a particular community and on account of the same, tense situation prevails and in the event of permitting the petitioner to conduct the meeting, it would create law and order problem. Thus, the first respondent citing the above said reason, was not inclined to entertain the application filed by the petitioner and rejected the same and challenging the legality of the same, the present writ petition is filed.

4. Learned counsel for the petitioner would vehemently contend, the sole object of the petitioner's association, is for annihilation of caste and to curtail superstitious practices which are misused to exploit the people and thereby cause them financial or physical harm and they are not targeting any religion and their concern is with regard to the misuse of faith and victimize the innocents. They want to conduct the public meeting and in this regard, their application has been rejected by the second respondent.

5. Per Contra, Mr. R. Vijayakumar, learned Additional Government Pleader on instructions would submit that on account of the past acts of the petitioner, the application for conducting the public meeting was rightly rejected by the second respondent and prays for dismissal of the same.

6. Holding a public meeting for the purpose of espousing a cause, is considered to be a fundamental right and it is always open to the second respondent to impose reasonable restrictions but at the same time, the responsibility is also cast on the organisers of the meeting, not to utter anything in the form of inflammatory speech or act, targeting a particular religion and sentiments of the people professing the particular religion. This Court hopes and trusts that the petitioner's association is alive to the said situation.

7. The respondents, being the guardian of Law and Order in that particular area, well within their right, not only to prevent the commission of cognizable offence, but also to take action in the event of any law and order problem and it may not open to them to reject the application by citing the law and order problem, as conducting the meeting is a fundamental right and such a right is also subject to reasonable restrictions.

8. In the light of the said reasons, the impugned order passed by the first respondent dated 05.04.2015, is set aside and the petitioner is at liberty to submit a fresh application for holding such a public meeting and the respondent on receipt of the same, directed to consider the same in the light of the observations made in this order and dispose of the application in accordance with

law, as expeditiously as possible and communicate the decision to the petitioner.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.