



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25907 of 2023
and W.M.P.No.25350 of 2023

Senthil Mallar

... Petitioner

Vs.

1.The Commissioner of Police,
Police Commissionerate,
Avadi, Chennai.

2.The State rep. by its
The Inspector of Police (Law and Order)
T12, Poonamallee Police Station,
Aavadi Police District,
Chennai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection letter, dated 27.08.2023 issued by the 2nd respondent and quash the same and consequently to direct the respondents to grant permission to hold a meeting in future more specifically on 01.11.2023.

For Petitioners : Mr.P.Vijendran

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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This writ petition has been filed challenging the rejection letter dated 27.08.2023 issued by the 2nd respondent and for a consequential direction to the respondents to grant permission to the petitioner to hold the meeting on 01.11.2023.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. The petitioner is the founder of an organization who wanted to conduct a meeting at Rani Marriage Hall at Poonamallee. In the said meeting, the organizers wanted to address their views about Dravidian Ideologies. Accordingly, a representation was made by the petitioner on 08.08.2023 to the respondent police seeking for permission to conduct the meeting on 27.08.2023. While giving the representation, it was stated by the petitioner that the meeting pertained to co-operation and togetherness of the Tamils.

4. When the representation given by the petitioner was pending before the respondent police, an objection seems to have been given by one Avadi Nagarajan on the ground that the petitioner is attempting to address an opinion against Dravidians and

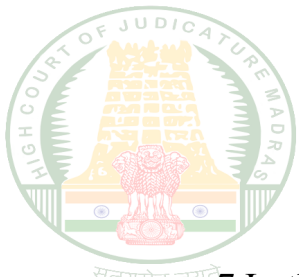


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if the same is allowed, it will cause a law and order problem. On receipt of this objection, the respondent police issued the impugned rejection letter dated 27.08.2023, refusing to grant permission to the petitioner to conduct the meeting. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The learned Additional Public Prosecutor on instructions submitted that the petitioner had made a request for conducting a meeting for a particular purpose and whereas, the petitioner was exceeding the brief and was attempting to conduct a meeting which will result in a law and order problem. Therefore, the 2nd respondent had issued the rejection letter and that there is absolutely no ground to interfere with the same. In short, the learned Additional Public Prosecutor submitted that the petitioner should have come out with the clear agenda that is going to be discussed in the meeting and should not have concealed the same.

6.The learned counsel for the petitioner submitted that the meeting in question is only an indoor meeting and that the petitioner and his organization have the right to talk about the Dravidian Ideologies and the same cannot be objected by the respondent police merely on an apprehension that the meeting will lead to a law and order problem. The learned counsel submitted that it is the fundamental right of the petitioner and his organization to put forth their views among the like minded persons.



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7. In the considered view of this Court, the petitioner and his organization wanted to convene the meeting and they had their own opinions about the Dravidian Ideology. They wanted to address the same in the meeting organized within a marriage hall. It is possible that the opinions that are expressed in the meeting may go against the majority view held in favour of the Dravidian Ideology. However, that by itself will not result in preventing the petitioner and his organization from expressing their views. It is now too well settled that the freedom of expression that is guaranteed under Article 19(1)(a) of the Constitution of India also includes freedom to hold opinions and it cannot be prevented on a mere apprehension of a law and order problem and the reasonable restriction that has been provided under Article 19(2) of the Constitution of India only talks about likelihood of affecting public order. In a democratic set up, it is always possible that there will be divergent views regarding a belief or an ideology. It is not possible to compel everybody to follow the same ideology and a person is always entitled to have his reservations and opinions regarding an ideology. Only if there is a dialogue, there is scope for evolution in the society. Hence, just because the petitioner and his organization are going to express their opinion which may go against the popular view about Dravidian Ideology, that by itself is not a ground to prevent the petitioner from organizing a meeting and that too within closed auditorium.



Unfortunately, in this case, the respondent police have acted upon an objection that was given by one Avadi Nagarajan just one day prior to the date fixed for the meeting.

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8. In the light of the above discussion, the impugned rejection letter issued by the 2nd respondent dated 27.08.2023 is hereby set aside. The petitioner is directed to make a fresh application to the 2nd respondent seeking for permission to conduct the meeting on 01.11.2023 by indicating the venue and the timing of the meeting. The 2nd respondent shall consider the same and shall grant necessary permission. It is made sufficiently clear that no one will create a situation leading to a law and order problem.

9. In the result, this writ petition stands allowed with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

05.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
ssr



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N.ANAND VENKATESH, J

SSR

To

- 1.The Commissioner of Police,
Police Commissionerate,
Avadi, Chennai.
- 2.The Inspector of Police (Law and Order)
T12, Poonamallee Police Station,
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- 3.The Public Prosecutor,
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