IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.10.2023

Coram:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

W.P.No.30692 of 2023

Magesh Karthikeyan, M-33, Yrs/2023,
S/o.Shri.Karthikeyan,
No,8, Pillayar Koil Street,
Puliyambedu, Thiruverkadu Post,
Chennai – 600 077. ... Petitioner

/versus/

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

2. The Inspector of Police,
   M-2, Milk Colony Police Station,
   Avadi Police District, Chennai. ... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to give permission to the petitioner in light of the orders of this Hon'ble Court in W.P.No.25907 of 2023 vide order dated 05.09.2023, to organize a conference to debate on Dravidian ideologies and other social issues on 29.10.2023 between 10 am to 6 p.m at the closed auditorium in Madhavaram Milk Colony by considering the petitioner's representation dated 26.09.2023.

For Petitioner : Mr.B.A.Sujay Prasanna

For R-2 : Mr.S.Udaya Kumar, Govt Advocate (Crl.Side).

O R D E R

The grievance of the petitioner is that earlier one Senthil Mallar approached this Court filing W.P.No.25907 of 2023, seeking "Writ of Certiorarified Mandamus", to call for the records pertaining to the rejection letter, dated 27.08.2023 issued by the Inspector of Police, T-12, Poonamallee Police Station, Avadi District, Chennai and quash the same and direct the respondent to grant permission to hold a meeting one Dravidian Ideologies in future, more specifically on 01.11.2023.

2. This Court *vide* order dated 05.09.2023 disposed the said Writ Petition with the following observation:-

> *"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 their 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."

3. Thus, this Court, on considering the facts passed order on 05.09.2023, permitted the petitioner Senthil Mallar to make fresh application to the 2nd respondent/Police seeking for permission to conduct the meeting on 01.11.2023 by indicating the venue and time 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 law and order problem. It is reported that one Senthil Mallar who filed W.P.No.25907 of 2023 and got an order of direction from this Court to T-12, Poonamallee Police Station. Had not pursued his request since he and the Management of the private were threatened by Police.

4. The present Writ Petition is filed by one Magesh Karthikeyan stating that, as per the High Court order in W.P.No.25907 of 2023, dated 05.09.2023, he gave an application to Inspector of Police, M-2, Milk Colony Police Station, Avadi Police District, Chennai, for conducting indoor meeting at No.9, Kamarajar Salai, Manali, Chennai – 600 051, but his representation not been considered, hence the present Writ Petition No.30692 of 2023 filed for Mandamus.

5. At the outset, this Court wants to record that the earlier Writ Petition filed by Senthil Mallar was for another venue and to a different Police Station. Whereas, in respect of representation dated 26.09.2023 given by one Magesh Naicker for conducting a meeting in a different place. This Writ Petition is filed in the name of Magesh Karthikeyan. The Learned Counsel for the petitioner says that the said Magesh Naicker and Magesh Karthikeyan are one and the same person however same is subject to verification.

6. Be that as it may, the petitioner herein in his representation had referred about a meeting held on 2nd September 2023 at Kamarajar Arangam under the caption *"Sanatana Ozhippu Maanaadu" (Sanatana Eradication Conclave)*, citing the same, the petitioner wants to conduct a meeting about '*Dravidian Ideology*' under the name of "திராவிட ஒழிப்பு மற்றும் தமிழர் ஒருங்கிணைப்பு மாநாடு". This Court in its order dated 05.09.2023 had not passed any order for consideration to conduct a meeting under the caption "திராவிட ஒழிப்பு மற்றும் தமிழர் ஒருங்கிணைப்பு மாநாடு" which means conference for eradicating "Dravidian" and coordinating "Tamizhan".

7. No one can expect Courts to aid them to propagate ideas to create ill-will among the public. Some Members of the Ruling Party and Ministers participated in the meeting held for eradicating *"Sanatana Dharma"* and no action has been taken by the Police against them which is dereliction of duty on the part of the Police. Since police failed to act against those who had uttered inflammatory speech to eradicate "Sanatana *Dharma*". Now, permission to counter it by conducting meeting to eradicate "Dravidian Ideology". If the request of the petitioner is acceded, it will cause further disturbance to the peace and tranquillity of the public, who are already fed up by the way some of the fringe groups in support of persons who have taken Oath of office to preserve the Spirit of Constitution, act in breach of their Oath. This Court cannot perpetrate by permitting the petitioner to hold conference to eradicate Dravidian Ideology.

8. As far as the present petition is concerned, this Court finds that the earlier order passed in the Writ Petition filed by Senthil Mallar to express views about Dravidian Ideology. Whereas, the present representation dated 26.09.2023, taking umbrage in the earlier order seek to counter the meeting held under the banner *"Sanatana Ozhippu Maanaadu" (Sanatana Eradication Conclave)*. The

petitioner herein claims that, it is the fundamental right to conduct such meeting. This Court cannot subscribe to this view. No person in this Country can have a right to propagate divisive ideas and conduct meeting to abolish or eradicate any Ideology. Co-existence of multiple and different ideologies is the identity of this Country.

9. This Court is of the view that, person in power should realise the danger of speech unflaring *fissiparous* tendency and behave responsibly and restrain themselves from propagating views which will divide people in the name of Ideology, Caste and Religion. Instead they may concentrate on eradicating intoxicating drinks and drugs which are injuries to health, corruption untouchability and other social evil.

10. With the above observation, this ***Writ Petition is dismissed.*** There shall be no order as to costs.

31.10.2023

Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking Order
bsm

Copy to:-

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

2. The Inspector of Police,
   M-2, Milk Colony Police Station,
   Avadi Police District, Chennai.

3. The Public Prosecutor, High Court, Madras.

Dr.G.Jayachandran, J.

bsm

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31.10.2023