

W.P.Crl.(MD)No.4262 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **29.07.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.Crl.(MD)No.4262 of 2026

C.Manikandan

... Petitioner

Vs.

1. The District Collector,
O/o.The District Collector,
Theni, Theni District.
2. The Superintendent of Police,
O/o.The Superintendent of Police,
Theni, Theni District.
3. The Inspector of Police,
Varusanadu Police Station,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records of the 3rd respondent in Na.Ka.2/Va.Ka.Ni/2026, dated.25.07.2026 and quash the same as illegal and consequently direct the respondents permit the petitioner to peacefully protest infront of the vacant site of Varusanadu Kaliyamman Temple by conducting fasting on 01.08.2026 from 09.00 a.m., to 05.00 p.m, by issuing pamphlets and posters and to conduct public announcement through an auto rickshaw prior to 01.08.2026.



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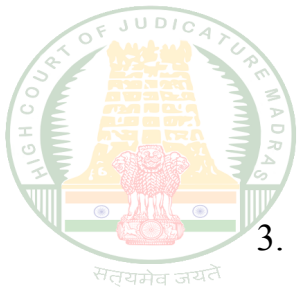
W.P.Crl.(MD)No.4262 of 2026

For Petitioner : Mr.D.Malaichamy
For Respondents : Mr.D.Rajaboopathy (R2 & R3)
Government Advocate (Crl.)
Ms.M.R.Priyanka Jothi (R1)
Government Advocate

ORDER

This petition has been filed challenging the rejection order passed by the 3rd respondent in Na.Ka.2/Va.Ka.Ni/2026, dated.25.07.2026 and consequently direct the respondents permit the petitioner to peacefully protest in front of the vacant site of Varusanadu Kaliyamman Temple by conducting fasting on 01.08.2026 from 09.00 a.m., to 05.00 p.m, by issuing pamphlets and posters and to conduct public announcement through an auto rickshaw prior to 01.08.2026.

2. The learned counsel appearing for the petitioner submitted that the petitioner, along with others, proposed to conduct a peaceful fasting protest in support of the livelihood and welfare of the people residing in Varusanadu. However, permission for the proposed protest was rejected by the respondent through the impugned order. Aggrieved by the same, the petitioner has approached this Court seeking appropriate relief.



3. The learned Government Advocate appearing for the respondents submitted that the impugned order came to be passed on the ground that the proposed peaceful fasting protest was likely to give rise to law and order issues. It was further submitted that the venue proposed for conducting the fasting protest is situated in a narrow and congested area, and therefore, permitting the protest at the said location may result in traffic congestion and inconvenience to the general public.

4. The learned counsel for the petitioner contended that the proposed fasting protest would be conducted peacefully and it also constitutes a legitimate form of peaceful fasting protest protected under Article 19(1)(a) read with Article 19(1)(b) of the Constitution of India. It was further submitted that, in a democratic polity, citizens have the right to peacefully express their grievances through a fasting protest, and such an expression cannot be curtailed or criminalised, unless it poses a genuine threat to public order or falls within the reasonable restrictions contemplated under Article 19(2) and Article 19(3) of the Constitution of India.

5. Articles 19(1)(a) and 19(1)(b) of the Constitution guarantee freedom of speech and expression, and the right to peaceful assembly without arms. These



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rights can be restricted only by reasonable restrictions provided by law. The

Hon'ble Supreme Court has consistently held that peaceful protest is a recognized democratic right.

6. In view of the foregoing observations, the impugned order dated 25.07.2026 passed by the third respondent is hereby quashed. Consequently, the respondent police are directed to permit and facilitate the petitioner to conduct the proposed peaceful fasting protest at an alternate suitable venue, as identified by the second respondent, subject to such reasonable conditions as may be imposed by the respondent police. The petitioner shall strictly adhere to the said conditions and ensure that the protest is conducted peacefully, without causing any obstruction to traffic or disturbance to public order and tranquillity.

7. Accordingly, this writ petition stands allowed.

29.07.2026

NCC : Yes / No
Index : Yes / No
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Note: Issue order copy by 30.07.2026.



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TO:-

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O/o.The District Collector,
Theni, Theni District.
2. The Superintendent of Police,
O/o.The Superintendent of Police,
Theni, Theni District.
3. The Inspector of Police,
Varusanadu Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.Crl.(MD)No.4262 of 2026

Dated
29.07.2026