

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11675 of 2015
and M.P.No.1 of 2015

S.Ganapathy .. Petitioner

Versus

1. The State rep. by
The Superintendent of Police,
Namakkal District,
Namakkal.

2. The State rep. by
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified mandamus, calling for records sequel to the impugned order passed by the second respondent communication dated 16.04.2015 and to quash the same and consequently direct the respondents to grant permission for the petitioner's federation to hold the family hunger fasting agitation on 24.04.2015 from 10 am to 5 pm at the venue nearby M.G.R.Statute in Rasipuram Town.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.V.Subbiah, (for R1 & R2)
Special Government Pleader

O R D E R

By consent, the main writ petition is taken up for final disposal.

2. The petitioner claims to be the President of 'Rasipuram Nagaratchi Sungavari Selutthuvor Kootamaippu', and would state that the said association has been established for the purpose of requesting the Rasipuram Municipality to abandon their proposal for increasing the Municipal Tax and it has not been considered, therefore, they requested the Government to resolve the issue and since, it has not been responded, they want to expose their protest

by conducting the family hunger fasting on 24.04.2015 near M.G.R. Statute in Rasipuram Bus Stand and in this regard, made an application dated 14.04.2015 to the 2nd respondent and it was rejected vide order dated 16.04.2015 and aggrieved by the same, he has filed this writ petition.

3. The learned counsel for the petitioner would submit that the petitioner association wants to espouse a public cause and want to conduct a hunger fast in a peaceful manner and it has been unjustly rejected by the 2nd respondent without any reason and prays for interference.

4. Per contra, Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for the respondents, on instructions would submit that apprehending law and order problem only, the request of the petitioner association seeking permission to hold hunger has been rightly rejected.

5. This Court has carefully considered the rival contentions and perused the materials placed before it.

6. The perusal of the impugned order dated 16.04.2015, passed by the 2nd respondent would disclose that no reason whatsoever has been assigned as to the rejection of the request made by the petitioner association. Holding a public meeting and espousing a public cause is a fundamental right enshrined in the Constitution of India, subject to reasonable restriction. The petitioner association wants to project a public cause with regard to increase of tax by the local body and in that regard, they want to conduct a fast for one day and it cannot be termed as unreasonable.

7. In the result, the writ petition is partly allowed and the impugned order dated 16.04.2015 is set aside and the 2nd respondent is directed to reconsider the petitioner's application dated 14.04.2015 in accordance with law, in the light of the observations made in this order and pass appropriate orders within a period of two days from the date of receipt of a copy of this order. It is also made clear that the petitioner association under the guise of undertaking a fast, cannot do anything which would affect law, public order and tranquility. No Costs. Consequently, the connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar(LA)

True Copy

Sub-Assistant Registrar

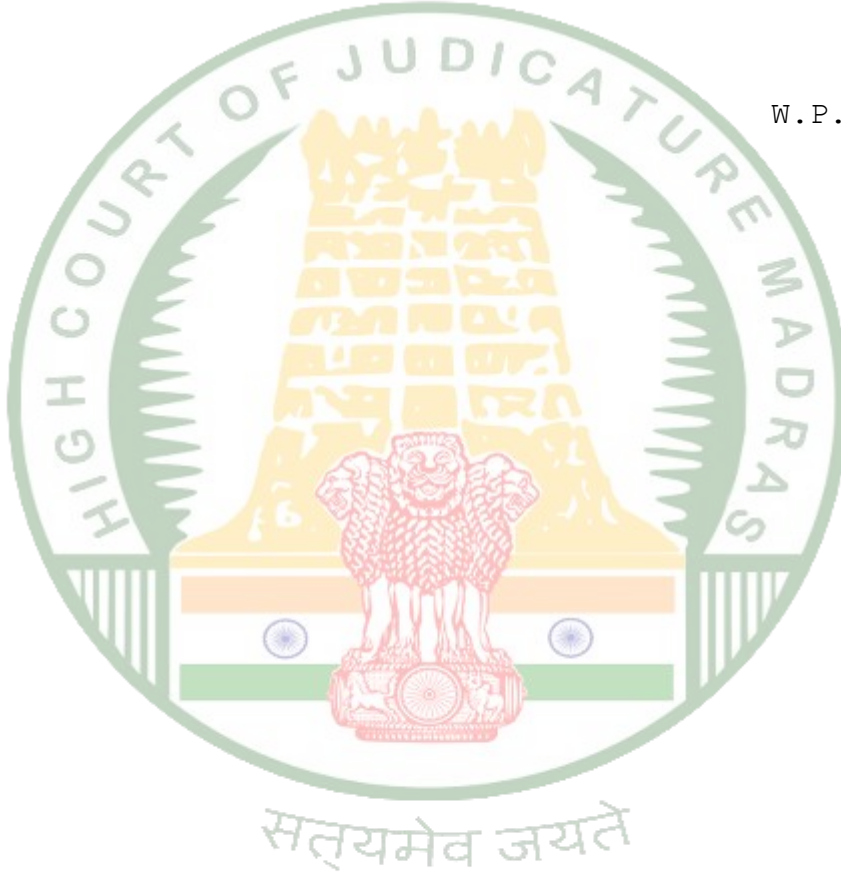
To

1. The Superintendent of Police,
Namakkal District,
Namakkal.
2. The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

+ 1 cc to Mr.R.Thirumoorthy, Advocate SR 21834

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