

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2015

Coram:

The Honourable MR.JUSTICE T.S.SIVAGNANAM

W.P.No.2991 of 2015
and M.P.No.1 of 2015

Sasi Perumal

[Petitioner]

Vs

The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai-7.

[Respondent]

Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the respondent in proceedings No.22/Tha.P.2./2015-1 dated 22.01.2015 and quash the same and direct the respondent to grant permission for conducting Sathyagraha as prayed for as per the representation dated 31.12.2014 submitted by the petitioner to the respondent.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondent : Mr.S.Gunasekaran, GA

O R D E R

Heard Mr.T.Sivagnanasambandan, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate for the respondent.

2. The petitioner is Sasi Perumal and he has filed this writ petition to quash the order dated 22.01.2015 passed by the respondent, by which the respondent has rejected his request for carrying on indefinite fasting in a public place and granted permission for one day.

3. The petitioner is a social worker and a person following the Gandhian principles and he has earlier undertaken indefinite fast so as to compel the Government to bring total prohibition in the State of Tamil Nadu. Cases have been registered and he was arrested and sent to jail on several occasions.

4. In the affidavit filed in support of this writ petition, the petitioner would state that he requested the respondent to grant permission to go on indefinite fast so that he may propagand his idea and people will be aware of the evil of consuming liquor. In his representation to the respondent, he has placed all the

facts. The petitioner requested permission in any one of the three places viz.,

(1) Near Valluvarkottam - Nungambakkam,
Chennai 600 034

(ii) Near Government Guest House, Wallajah
Road, Chepauk, Chennai 5 and

(iii) Near Office of the Collector of Chennai,
Chennai.

The respondent, by an elaborate order has rejected the petitioner's request for grant of permission for indefinite fast, however, stating that the respondent is willing to grant permission for the petitioner, if he restricts his protest for one day.

5. After hearing the learned counsel for the petitioner as well as the learned Government Advocate, it is seen that the petitioner seeks to put forth his views in a peaceful manner without causing any hindrance to the public at large. The petitioner is not a member of any political party and he has stated that for the very same reason, he had gone on fast on earlier occasions. Therefore, there cannot be any outright rejection of the petitioner's application for grant of permission to conduct a fast. However, this Court is of the view that the petitioner's request to go on indefinite fast cannot be acceded to, considering the various repercussions that may flow out of it. Hence, this Court is of the view that if the petitioner is willing to restrict his fasting for five days, the respondent can consider the petitioner's request.

6. Accordingly, the writ petition is disposed of and the matter is remanded to the respondent for fresh consideration and if the petitioner submits in writing that he is willing to restrict his fast to five days, the respondent is directed to consider the same and grant permission in that regard in any one of the places which the petitioner has proposed. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai-7.

1 cc to Government Pleader, Sr. 7980

W.P.No.2991 of 2015

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