



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P(MD)No.20142 of 2015

N.Adaikalam,
District President of Pudukottai
Eluchi Tamilargal Munnetra Kazhagam,
S/O.Narayansamy
Kovilpatti,
Pudukottai,
Pudukottai District.

: Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai,
Pudukottai District.

2.The Deputy Superintendent of Police,
Pudukottai,
Pudukottai District.

3.The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant the permission to the petitioner to held the hunger strike on 12.11.2015 at 10 AM to 5PM at Thilagar Thidal, Pudukottai Town, Pudukottai District and further to give a adequate protection to conduct the same.

For Petitioner : Mr.M.Ramu
For Respondents : Mr.N.Manoharan,
Special Government Pleader.

O R D E R

The prayer in the Writ Petition is for a Writ of Mandamus to direct the respondents to grant the permission to the petitioner to hold the hunger strike on 12.11.2015 from 10 AM to 5PM at Thilagar Thidal, Pudukottai Town, Pudukottai District and further to give a adequate protection to conduct the same.

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

3.Heard the counsel appearing for the petitioner and the Additional Government Pleader appearing for the respondents.



4.The case of the petitioner is that on 25.10.2015, the Union Chairman of Karumpakudi, Pudukottai District was insulted by the Minister of Health of Tamil Nadu, citing her community. It is an unfortunate incident against the constitution and that can be avoided in a democratic country. The said activity is highly condemnable. The Community Association preferred a complaint before the second respondent and in order to express the grievance in a democratic way, they want to conduct a hunger strike on the date mentioned supra.

5.The counsel for the petitioner submitted that they have got every prerogative right to conduct the Dharna and that in earlier occasion, this court has also permitted the political party to conduct meetings and that the police cannot refuse the petitioner to conduct the hunger strike on 12.11.2015 between 10.00 a.m. and 05.00 p.m. in the aforesaid place.

6.Even though, the respondents have not filed any counter, the learned Special Government Pleader submitted that it is true that the petitioner has made a complaint alleging that the said incident said to have taken place on 25.10.2015, the affected person has not given any complaint. In order to gain publicity, the petitioner has come forward with the aforesaid prayer. For the similar incident, one person, namely, Ravi Balaji has also given a complaint and the same was rejected by the respondent and thereafter, the petitioner has come forward with another complaint for the very same incident. It is further submitted that the petitioner is trying to convert communal issue into a law and order problem.

7.In reply, the counsel for the petitioner submitted that it is true that one Ravi Balaji has given a complaint, but the issue is with regard to agitation on 05.11.2015, which was rejected on 30.10.2015, by the second respondent and the same is not for grant of permission for hunger strike.

8.Having regard to the submissions made by both parties, this Court is of the considered view that the versions used by the said Ravi Balaji and the present petitioner, in the complaint appears to be different, but the issue is common / one and the same. There is no complaint from the affected party. Therefore, the writ petition filed by the petitioner is devoid of merits and it is nothing, but to gain publicity and not for any public interest. The reason appears to bring communal clash and not otherwise. A good leader is one, who should preach and practise moral values and not to agitate for bringing disharmony in the society.

Hence, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

/True copy/



smn

To மேலாட்சி

WEB COPY

- 1.The Superintendent of Police,
Pudukottai,
Pudukottai District.
- 2.The Deputy Superintendent of Police,
Pudukottai,
Pudukottai District.
- 3.The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai District.

+1cc to Mr.M.Ramu,Advocate SR No.65412

ORDER MADE IN
W.P (MD) No.20142 of 2015
06.11.2015

RG/GSV-PM/SAR-II

06.11.2015

3P:5C.