



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.(MD)No.7180 of 2015

WEB COPY

Chelladurai Pandian

... Petitioner

Vs.

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

2. The Inspector of Police,
Srivaikuntam Police Station,
Srivaikuntam,
Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the second respondent vide his proceedings dated 17.04.2015 and quash the same as illegal and consequently direct the respondents to grant permission and adequate police protection to the petitioner to conduct Hunger Strike on 30.04.2015 from 9.00 am. to 5.00 p.m. in front of the Srivaikundam Taluk Office based on the petitioner's representation dated 23.04.2015.

For Petitioner : Mr.S.R.Durairaj

For Respondents : Mr.R.Karthikeyan
Additional Govt. Pleader

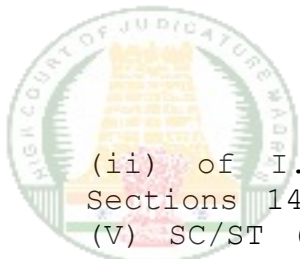
O R D E R

The petitioner has come forward with this petition seeking to quash the impugned order dated 17.04.2015 passed by the second respondent and to direct the respondents to grant permission and adequate police protection to the petitioner to conduct Hunger Strike on 30.04.2015 from 9.00 am. to 5.00 p.m. in front of the Srivaikundam Taluk Office, based on the petitioner's representation dated 23.04.2015.

2. The petitioner sought permission to have one day token fasting on 20.04.2015. The request was rejected on the ground that it will lead to serious law and order problem. Hence, he seeks to set aside the order and prayed for further direction to have the hunger strike on 30.04.2015.

3. The learned counsel appearing for the petitioner submitted that the order cannot be sustained in the eye of law. He further submitted that the petitioner may be permitted to have a hunger strike in any other date.

4. The learned Government Advocate (Crl.side) on instructions <https://hcservices.courts.gov.in/hcservices/> the following cases have been registered in (i) Crime No.271 of 2014 for the offences under Sections 147, 148, 294(b), 307, 323, 506(ii) of I.P.C., r/w. Sections 147, 148, 294(b), 302, 323 and 506



(ii) of I.P.C., **(ii)** Crime No.388 of 2014 for the offences under Sections 147, 148, 341, 294(b), 302, 506(ii) I.P.C., and Section 3(2) (V) SC/ST (POA) Act, 1989, **(iii)** Crime No.57 of 2015 for the offences under Sections 302, 294(b), 506(ii) I.P.C., r/w. 3(2)(v) SC/ST (POA) Act, 1989, (iv) Crime No.74 of 2015 for the offences under Sections 147, 148, 302, 307 and 506(ii) of I.P.C., and (v) Crime No.102 of 2015 for the offences under Sections 147, 148, 302 I.P.C., and 3(2) (V) of SC/ST (POA) act, 1989 r/w. 147, 148, 302 r/w. 120(b) I.P.C. & 3(2)(V) of SC/ST (POA) Act, 1989, due to communal tensions. Therefore, it is not possible to consider the request.

5. It is not in dispute that maintaining the law and order problem is the duty of the respondent. However, what the petitioner seeks to conduct the hunger strike in a peaceful manner. If particular place is objectionable, it is well open to the respondents to permit the petitioner to have the hunger strike in any other place which is not objectionable at a time fixed by them. Accordingly, the impugned order dated 17.04.2015 passed by the second respondent is set aside and the direction to the respondent No.2 to permit the petitioner to have the hunger strike in the Second Week of May 2015 at a place which according to him not objectionable subject to the other conditions that can be imposed by him including the timing.

This Writ Petition is allowed.

Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Srivaikuntam Police Station,
Srivaikuntam,
Tuticorin District.

+1cc to Mr.M.S.Jeyakarthik, Advocate, SR.No.23704

W.P. (MD) No.7180 of 2015
29.04.2015

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PA/30.04.2015/2P/4C (IT)