



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.719 of 2015

S.Boominathan

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Puliyangudi,
Tirunelveli District.

2. The Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent dated 09.01.2015 and quash the same as illegal and thereby to grant permission to the hunger strike to be held on 28.01.2015 at Vasudevanallur Tirunelveli District.

For Petitioner : Mr.P.Subbaraj
For Respondents : Mr.R.Karthikeyan,
Additional Government Pleader.

O R D E R

Heard the learned counsel for the petitioner and Mr.R.Karthikeyan, learned Additional Government Pleader who takes on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal.

2.The present writ petition has been filed challenging the rejection order passed by the second respondent dated 09.01.2015 for granting permission to conduct hunger strike by the State Leader of the Party.

3.The grievance of the petitioner is that in respect of the very same place permission was granted for others and therefore, the rejection of the claim made by the second respondent is arbitrary and illegal.

4.Learned counsel appearing for the petitioner relying on a judgment of this Court reported in **2004 Writ L.R. 156 (Shanmugaraj Vs.The Deputy Superintendent of Police, Tirunelveli District and another)** submitted that the Court has got ample powers in



directing the authorities to give necessary permission in conducting hunger strike.

5.Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents would contend that they have not rejected the claim of the petitioner in to to but taking into consideration the fact that he being the State Leader, the crowd will be enormous and the area chosen by the petitioner is not suitable for that crowd and therefore, they have suggested the alternative place and if they are agreed to have hunger strike in the alternative place, they are still prepared to give such permission.

6.It is seen that the impugned order clearly states that in view of the situation of the area especially it is a very traffic congested area and that it cannot hold good for the number of persons expecting for the meeting and therefore, they have only suggested to have the meeting in an alternative place. Therefore, the petitioner cannot have any grievance at all.

7.After some arguments, learned counsel for the petitioner submitted that the petitioner is prepared to have the hunger strike in the place as suggested by the police.

8.In view of the same, the petitioner is directed to make a fresh application seeking permission for hunger strike in the place as mentioned by the police on 22.01.2015. On receipt of such application, the authorities will grant necessary permission in this regard and it is open to them to stipulate any conditions, as may be necessary.

9.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(C.O.,)

/True Copy/

Sub-Assistant Registrar

To

1. The Deputy Superintendent of Police,
Puliyangudi, Tirunelveli District.
2. The Inspector of Police, Vasudevanallur Police Station,
Tirunelveli District.

+1cc to Mr.P.Subbaraj, Advocate, in SR. No.2776.

+1cc to Special Government Pleader, in SR No.3339.

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