

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.21510 of 2016

K.Seshadri

Petitioner

Vs

1.The Superintendent of Police
Kancheepuram District
Kancheepuram 621 306.

2.The Deputy Superintendent of Police
Kancheepuram District
Kancheepuram 621 306

Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.04/KaThuKa/VaUKo/ 2016 dated 19.06.2016 and quash the same and consequently direct the respondents to permit the petitioner union for relay fasting as sought by them in their letter dated 06.06.2016 in accordance with the order of this Court reported in 2014 (1) MLJ 547.

For petitioner : Mr.K.C.Karl Marx
For Respondents : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

2. It is seen that the petitioner is the General Secretary of Chengai Podhu Thozhilalalar Sangam and he has given a representation dated 17.06.2016 to the respondent police seeking permission for conducting indefinite relay fast, which was rejected by the impugned order dated 19.06.2016, challenging which the petitioner is before this Court.

3. In K.Thiagarajan @ Thozhar Thaigu vs. Commissioner of Police, Chennai City Police [2014 (1) MLJ 547], the learned single Judge of this Court has gone into these aspects on relay fast and has granted the relief with certain conditions.

4. In the considered opinion of this Court, relay fast is a form of protest, which cannot be said to be unconstitutional. Under such circumstances, the petitioner is directed to give a fresh representation to the respondent for conducting relay fast for a period of three days near Balaji Kalyana Mandapam, Pavendar Road, Maraimalai Nagar and on such representation being given, the respondent police is directed to permit the fast on the following conditions:

"(1) The petitioner is directed to give an undertaking that he would not initiate violence while organising meetings in connection with his hunger strike and he should co-operate with the police to ensure law and order.

(2) The petitioner should furnish the names and address of other members of his organisation, in case they are associating with the petitioner by joining the hunger strike.

(3) In case any of the leaders supporting the cause wanted to speak by arranging meeting near the venue of fasting, prior intimation should be given to the jurisdictional police including details of persons and permission should be taken.

(4) The vehicles should not be parked near the venue.

(5) It is open to the Superintendent of Police to impose any other reasonable conditions to ensure law and order."

With the above directions, this petition is disposed of. No costs.
gms

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police
Kancheepuram District
Kancheepuram 621 306.

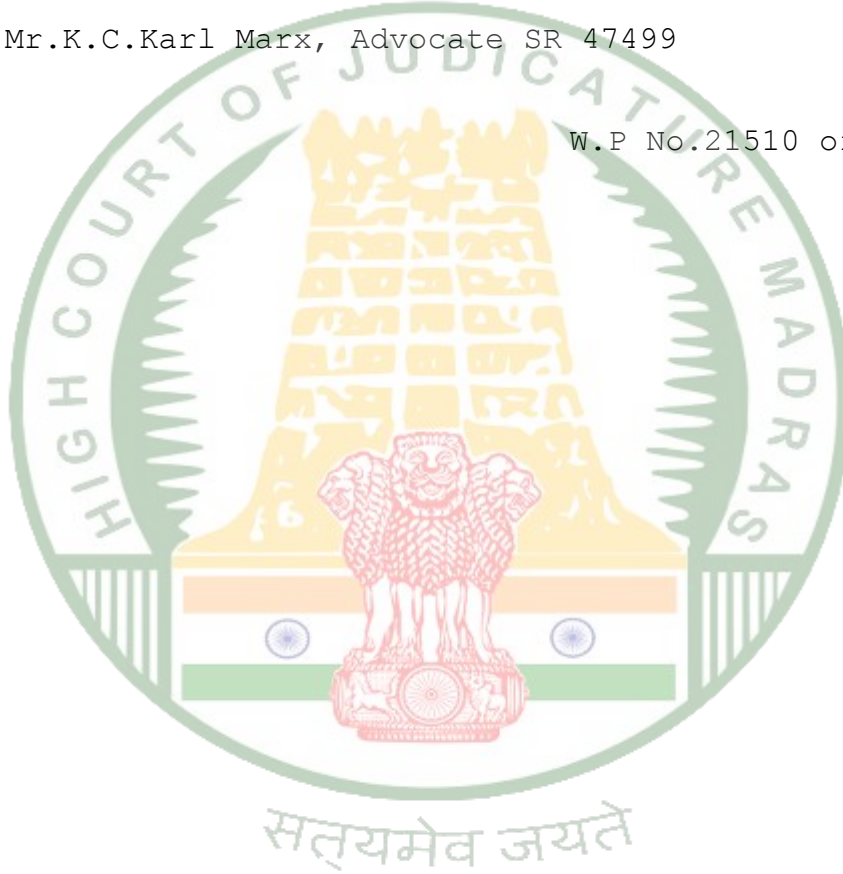
2.The Deputy Superintendent of Police
Kancheepuram District
Kancheepuram 621 306.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.K.C.Karl Marx, Advocate SR 47499

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