

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22062 of 2016

G.Venkatesan

... Petitioner

Vs.

1. The District Collector,  
Dharmapuri District, Dharmapuri.
2. The District Superintendent of Police,  
Dharmapuri District - 636 705.
3. The Inspector of Police,  
Marandahalli Police Station,  
Palacode Taluk,  
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of certiorarified mandamus calling for the records of the 3<sup>rd</sup> respondent in Na.Ka.No.16/INSRP/E7PS/forecast/16 dated 20.06.2016 and quash the same and consequently direct the 3<sup>rd</sup> respondent to permit the petitioner and his men to observe fasting on 30.06.2016 or any other dates at Sreeni Kalai Arangam, Ammani Mallapuram Village, Palacodu Taluk, Dharmapuri District.

For Petitioner : Mr.R.Rajaramani

For Respondents : Mr.R.Govindasamy,  
Special Government Pleader

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O R D E R

The petitioner claims to be Ammani Mallapuram Panchayat Secretary of D.M.K.Political party and to expose the mischievous/maladministration of the local body, wants to conduct indefinite fast commencing from 7.00 a.m. on 30.06.2016 and in this regard, has also submitted an application dated 20.06.2016 and it was rejected by the third respondent on the same day citing traffic, public hindrance and law and order problem and challenging the legality of the order. Came forward to file this writ petition.

2. The learned counsel appearing for the petitioner would submit that conducting fast for public is a fundamental right under the Constitution of India and the petitioner wants to expose the maladministration of the local body and therefore, the rejection of the application by the third respondent is not in order and prays for interference.

3. Per contra, Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents has invited the attention of this Court to the counter affidavit filed by the third respondent and would submit that the petitioner wants to conduct fast opposite to Ammani Mallapuram Panchayat office and the said office is situated in front of the Government Higher Secondary School and Panchayat Union Primary School and it is situated in Marandahalli and Palacode Main Road and in the event of permission being granted, there will be a traffic block and the public tranquility as well as the school going children will be affected and the petitioner has also been afforded with an alternative site near the western side of Marandahalli Bus Stand as well as Marandahalli Ganapathi Nagar barriage Western side and in the event of petitioner making a fresh application, permission may be considered.

4. Accepting the said submission, the learned counsel appearing for the petitioner has drawn the attention of this Court to paragraph No.7 of the affidavit and would submit that the petitioner would submit a fresh application for conducting the fast at Sreeni Kalai Arangam and may be directed to be considered.

5. This Court has considered the rival submissions and also perused the materials placed before this Court.

6. In the light of the stand of the third respondent, this Court is of the view that the rejection of permission to conduct the fast opposite to Ammani Mallapuram Panchayat on the part of the third respondent is unsustainable. It is also made clear that no such permission is to be granted to conduct demonstration or fast in the said place by the third respondent to any political organisation/party in the light of paragraph No.5 of the counter affidavit.

7. It is open to the petitioner to submit an application to conduct a relay fast by fixing a particular date and time at Sreeni Kalai Arangam, before the third respondent, within a period one week from the date of receipt of a copy of this order and the third respondent, on receipt of the same, is directed to consider the said application and pass orders in accordance with law within a further period of two weeks thereafter and communicate the decision taken to the

petitioner.

The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The District Collector,  
Dharmapuri District, Dharmapuri.
2. The District Superintendent of Police,  
Dharmapuri District - 636 705.
3. The Inspector of Police,  
Marandahalli Police Station,  
Palacode Taluk,  
Dharmapuri District.

+1cc to Mr.R.Rajaramani, Advocate, S.R.No.38972

+1cc to the Government Pleader, S.R.No.39150

Writ Petition No.22062 of 2016

SCD(CO)  
CA(19/07/2016)

सत्यमेव जयते

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