

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

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THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.30187 of 2016
& WMP.No.26159 of 2016

Thiru K.Vijayan President
Centre of Indian Trade Unions (CITU)
Thiruvallur District Committee Venmani
Illam No.17 Selai Road Annamalai Nagar
Thiruvallur-602 001.

... Petitioner

- VS -

The Sub-Inspector of Police
F-4, Kavarapettai Police Station,
Kavarapettai,
Gummidipoondi Taluk,
Tiruvalur District 601 206.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus calling for records pertaining to the two orders dt. 26.08.2016 passed by the respondent quash the same and consequently direct the respondent to grant to hold hunger fast at the vacant place nearer to Ellaiamman Temple in Puduvoyal Village for one day between 8 a.m. and 5 p.m. on 06.09.2016 or on any other day as may be fixed by this Honourable Court.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.A.N.Thambidurai, Spl.G.P.

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus calling for records pertaining to the two orders dt. 26.08.2016 passed by the respondent and to quash the same and consequently, direct the respondent to grant to hold hunger fast at the vacant place nearer to Ellaiamman Temple in Puduvoyal Village, for one day between 8.00a.m. and 5.00p.m., on 06.09.2016 or on any other day, as may be fixed by this Court.

2. Petitioner representing the Union would submit that since the chartered demands of the employees had been denied by the management and in view of the fact that 21 workers were suspended from service, the petitioner union decided to conduct hunger fast and had applied for permission of the same. The respondent by its order dated 06.09.2016, had rejected the said request. Aggrieved over the same, the petitioner has come up with the present petition.

3. Learned counsel for the petitioner would contend that the place in which the permission had been sought for is a

remote area and there would not be any hindrance to any public. Hence, sought for allowing the writ petition.

4. Learned Special Government Pleader appearing for the respondent would submit that the respondent is willing to grant permission to the petitioner for conducting hunger fast subject to the petitioner abiding the conditions to be imposed by the respondent herein.

5. In view of the limited prayer as sought for, petitioner is permitted to conduct hunger fast, subject to the condition that the petitioner files an affidavit of undertaking before the authority concerned that they will not indulge in any unlawful activities at the time of conducting hunger fast and the petitioner being the President of the Centre of Indian Trade Unions (CITU) is solely responsible for any untoward incident if it had taken place, during the period of conducting the said hunger fast. However, it is open to the respondent to impose any conditions, while granting permission in order to safeguard the law and order problem in the said area during the hunger fast. It is made clear that the

petitioner had registered before this Court that the number of persons involved in the hunger fast is restricted to 50 in number and the period will be from 8.00a.m. to 4.00p.m. Since the date mentioned in the application is 06.09.2016 this Court is not specifying the date and the same may be fixed at the convenience of both the parties.

6. The respondent is hereby directed to grant permission to the petitioner keeping in mind the observations made herein. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

07.09.2016

Note: Issue copy of the order on 09.09.2016

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To

The Sub-Inspector of Police
F-4, Kavarapettai Police Station, Kavarapettai,
Gummidipoondi Taluk, Tiruvalur District 601 206.

B.RAJENDRAN, J.

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