

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.01.2016

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THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.784 of 2016 &
W.M.P.No.601 of 2016

Gopinarayanan

.. Petitioner

Vs.

The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
Respondent

..

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records of the respondent's Proceedings No.1868/T.P.2/2016 dated 06.01.2016 and quash the same and consequently, direct the respondent to grant permission on petitioner's representation dated 28.12.2015 to hold 3 day hunger strike in the approved place.

For Petitioner : Mr.K.A.Ravindran
For Respondent : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

Seeking to sit in hunger strike for a period of three days demanding an appointment of Lokayukta, the petitioner sought for permission. After due notice, the permission was restricted only for one day. Challenging the same, the present Writ Petition has been filed.

2.Basing reliance on the order passed by this Court in K.THIAGARAJAN @ THOZHAR THAIGU vs. THE COMMISSIONER OF POLICE [2013 [6] CTC 307], which in turn took into consideration the decision of the Hon'ble Apex Court in RAMLILA MAIDAN INCIDENT, IN RE [2012 [5] SCC 1] while dealing with the right of speech and right to assembly of demonstration, the learned counsel appearing for the petitioner submitted that such a restriction would offend Articles 19 and 21 of the Constitution of India.

3.Learned Additional Government Pleader, on instructions, submitted that giving permission during night time will lead to law and order problem apart from protecting the

place.

4.After permission is granted for one day, there cannot be any objection for giving permission for two more days. There is no reason assigned for restricting the permission for only one day. Therefore, the order impugned in so far as restricting permission to one day is hereby set aside. After all what the petitioner wants is to express his view demanding an appointment of Lokayukta for the purpose of better administration, which cannot be found fault with. In so far as the permission sought for throughout the day even during night time, this Court finds the objection raised by the learned Additional Government Pleader has to be sustained. Where the petitioner wants to sit in hunger strike is Vallurvar Kottam. This is a landmark place constructed in commemorate to the great saint Thiruvallur. Therefore, the respondents are duty bound to protect the said place being a place of importance. Thus, the permission rejected during night time has to be sustained having law and order problem in mind.

5.Accordingly, the Writ Petition stands disposed of, by directing the respondents to give permission to the petitioner to have an hunger strike on 19.01.2016, 20.01.2016 and 21.01.2016 between 7.00a.m.to 9.00p.m. subject to the other conditions that can be imposed. Consequently, connected Miscellaneous Petition is closed. No costs.
sri

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

+ 1 cc to the Govt.Pleader High Court, Madras SR 2225

+ 1 cc to Mr.K.A.Ravindran, Advocate SR 1748

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