



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.05.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A. [MD].No.538 of 2017

Karunanidhi
S/o.Ramasamy,
President,
Anaithu Vivasayigal Paadukappu
Nala Sangam,
Naganendhal, Uppur Post,
R.S.Mangalam Via,
Thiruvadanai Taluk,
Ramanathapuram District.

: Appellant/Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thiruvadanai Division,
Ramanathapuram District.

2.The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 04.04.2017 made in W.P.(MD).No.5737 of 2017, on the file of this Court.

Prayer in WP(MD). 5737/ 2017 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records of the impugned order dated 29.03.2017 passed by the 1st respondent in Na.Ka.No.04/Thu.Kaa.Ka./Thiruvadanai/Mugam/2017 and quash the same as illegal and consequently direct the respondents to grant permission to hold continuous hunger strike from 07.04.2017 at Manthai in Uppoor Village, Thiruvadanai Taluk, Ramanathapuram District.

For Appellant

: Mr.C.Arul Vadivel @ Sekar

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondent

: Mr.V.R.Shanmuganathan
Special Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **M.V.MURALIDARAN, J.**]

Heard learned counsel appearing for the appellant and the learned Special Government Pleader appearing for the respondents.

2.This writ appeal has been filed by the appellant to set aside the order dated 04.04.2017 passed by the learned Single Judge in W.P(MD)No.5737 of 2017. In W.P(MD)No.5737 of 2017, the petitioner challenged the impugned order dated 29.03.2017 passed by the first respondent and sought consequential direction to the respondents to grant permission to hold continuous hunger strike from 07.04.2017 at Manthai in Uppoor Village, Thiruvadanai Taluk, Ramanathapuram District. This Court, by an order dated 04.04.2017 dismissed the said writ petition. Challenging the same, the appellant has come before this Court.

3 The learned counsel for the petitioner submitted that the order cannot be sustained in the eye of law. He further submitted that the petitioner may be permitted to have a hunger strike in any other date.

4. The learned Special Government Pleader on instructions submitted that it is not possible to consider the request.

5. It is not in dispute that maintaining the law and order problem is the duty of the respondent. However, what the appellant seeks to conduct the hunger strike in a peaceful manner. If particular place is objectionable, it is well open to the respondents to permit the appellant to have the hunger strike in any other place which is not objectionable. Accordingly, the respondents are directed to permit the appellant to have a hunger strike for three days only at 10.00 a.m., to 5.00 p.m., at a place which according to him not objectionable subject to strict conditions that can be imposed by him including the timing.

6. With the above directions, this Writ Appeal is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Police Station, Division,
Ramanathapuram District.



2.The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.

+1 cc to Mr.Special Government Pleader, in SR.No. 57433

+1 cc to Mr.C.Arul Vadivel @ sekar , Advocate in SR.No. 57158

skn

AE/MMS/SAR1/09.06.2017/2P/5C

**JUDGMENT MADE IN
W.A. [MD] .No.538 of 2017
24.05.2017**