



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD)No.12628 of 2017

G.Bhagavath Singh

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Madurai City,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to grant permission to conduct indefinite fasting near Ullaga Tamil Sangam Building or any other places in Madurai from 27.07.2017 demanding Central Government to invoke Article 348 (2) of Constitution of India and Section 7 of Indian Official Languages Act, 1963 to give consent of President of India in use of Tamil Language in the proceedings of High Courts in Tamil Nadu.

For Petitioner : Mr.G.Prabhu Rajadurai
for Mr.V.Murugan

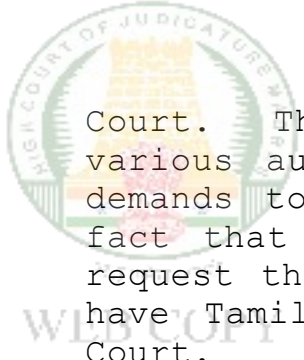
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to grant permission to conduct indefinite fasting near Ullaga Tamil Sangam building or any other places in Madurai from 27.07.2017 demanding Central Government to invoke Article 348(2) of the Constitution of India and Section 7 of Indian Official Languages Act, 1963 to give consent of President of India in use of Tamil Language in the proceedings of High Courts in Tamil Nadu.

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

2.The petitioner is a practicing lawyer at Madurai District and also the organiser of Struggle Committee for Tamil in High



Court. The petitioner has given several representations before various authorities and conducting demonstrations to convey his demands to the Government. The petitioner has pointed out the fact that the State Government itself has taken a decision to request the Government of India and the Hon'ble Supreme Court to have Tamil also as one of the official languages of the High Court.

3.Despite the demand by the State Government and the people of Tamil Nadu, it is stated that the Central Government has denied the constitutional rights of non-hindi speaking States. Objecting to this and to reiterate the demands there were several peaceful demonstrations and meetings conducted across the State. The petitioner also stated that on 03.03.2017 he sought permission to conduct an indefinite fasting from 23.03.2017 near Tamil Sangam building at Madurai but it was not accepted by the second respondent and the second respondent denied permission by his proceedings dated 18.03.2017. The representation was earlier rejected by the second respondent by order dated 18.03.2017 on the ground that the place in which the fasting was announced is an area with busy roads and there is likelihood of inconvenience to the public and the specific request of the petitioner to conduct the hunger strike near the World Tamil Sangam building was also found unsuitable due to traffic congestion and other law and order issues. The petitioner thereafter submitted a fresh representation dated 09.06.2017. The learned counsel for the petitioner relied upon a judgment of this Court in the case of K.Thiagarajan @ Thozhar Thaigu v. The Commissioner of Police, Chennai City in W.P.No.26930 of 2013, dated 01.10.2013 wherein a similar issue arose before the learned Single Judge and the learned Single Judge ultimately allowed the Writ Petition.

4.The learned Special Government Pleader, on instructions, submitted that they have chosen three places for considering the representation of the petitioner favourably. Out of three places earmarked by the respondents, the petitioner is preferred to accept Kalavasal Junction as a place in which the petitioner can organise his hunger strike.

5.Recording the submission of the learned Special Government Pleader, this Writ Petition is disposed of with a direction to the respondents to grant permission to the petitioner to conduct indefinite fasting near Kalavasal Junction particularly in the place earmarked for this purpose by the respondent, from 27.07.2017 demanding Central Government to invoke Article 348(2) of the Constitution of India and Section 7 of Indian Official Languages Act, 1963 to give consent of President of India in use of Tamil Language in the proceedings of High Courts in Tamil Nadu, subject to 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 Commissioner of Police to impose any other reasonable conditions to ensure law and order required in law.

(6) The first respondent is given liberty to take appropriate action against anyone for any illegal activity under the guise of supporting the cause of petitioner in and around the venue which is likely to disrupt peace.

No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Madurai City,
Madurai.

+1CC to M/S.V.Murugan, Advocate, SR.No. 64910
+1CC to the Special Government Pleader SR.No. 65245

W.P. (MD) No.12628 of 2017
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