



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2017

CORAM:

THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN

W.P. (MD) No.9234 of 2017

WEB COPY

Balaji

...Petitioner

Vs.

The Inspector of Police,
Town Police Station,
Pudukkottai,
Pudukkottai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the rejection order of the respondent, dated 13.05.2017 and quash the same and consequently direct the respondent to grant permission for hunger strike on 27.05.2017 to 01.06.2017 at Thilagar Thidal, Pudukkottai Town.

For Petitioner	: Mr.S.Muniyandi
For Respondent	: Mr.T.R.Janarthanan, Government Advocate.

O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus, calling for the records relating to the rejection order of the respondent, dated 13.05.2017 and quash the same and consequently direct the respondent to grant permission for hunger strike on 27.05.2017 to 01.06.2017 at Thilagar Thidal, Pudukkottai Town.

2. Heard Mr.S.Muniyandi, learned counsel appearing for the petitioner and Mr.T.R.Janarthanan, learned Additional Government Pleader appearing for the respondent.

3. Mr.T.R.Janarthanan, learned Additional Government Pleader takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner sought permission to have token fasting on 27.05.2017 to 01.06.2017 at Thilagar Thidal, Pudukkottai Town. The request was rejected by the respondent. Hence, he seeks to set aside the order and prayed for further direction to have the hunger strike on 27.05.2017 to 01.06.2017.

5. 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.

6. The learned Government Advocate(Crl.Side) on instructions submitted that it is not possible to consider the request.

WEB COPY

7. It is not in dispute that maintaining the law and order problem is the duty of the respondent. However, what the petitioner seeks to conduct the hunger strike in a peaceful manner. If particular place is objectionable, it is well open to the respondent to permit the petitioner to have the hunger strike in any other place which is not objectionable. Accordingly, the impugned order dated 13.05.2017 passed by the respondent is set aside and the direction to the respondent to permit the petitioner to have a hunger strike for three days only at 10.00a.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.

8. This Writ petition is allowed. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

The Inspector of Police,
Town Police Station,
Pudukkottai, Pudukkottai District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 57923/17.

PMU

PSM/KP/SAR1/01.06.2017/2P/3C

W.P. (MD) No. 9234 of 2017
25.05.2017