

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29867 of 2018

and

W.M.P.No.34872 of 2018

Seval E.Nithiyanandham

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the District Superintendent of Police,
Vellore, Vellore District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Gudiyatham, Vellore,
Vellore District.

3.The Inspector of Police,
Town Police Station,
Gudiyatham, Vellore,
Vellore district.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus and direct the respondents to forthwith grant permission to organize and conduct the Hunger Strike on 16.11.2018 between 09.00 A.M. to 05.00 P.M. Near the B.R.Shed opposite to New Bus Stand Gudiyatham, Vellore District as sought for by the petitioner representation dated 23.10.2018 submitted to the respondents and also sent by registered post with acknowledgment due on 23.10.2018 and to install display board and sound systems during the hunger strike and also for police protection and bundobust for the said hunger strike.

For Petitioner : Mr.P.S.Raman SC for
Mr.N.Raja Senthoo Pandian

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This writ petition has been filed seeking for a direction to the respondent police to consider the representation made

by the petitioner on 23.10.2018 and grant permission to him to conduct the hunger strike on 16.11.2018 between 09.00 a.m. and 05.00 p.m.. near the B.R.Shed opposite to New Bus Stand Gudiyatham, Vellore District.

2. Mr.P.S.Raman, learned Senior counsel representing the Counsel appearing for the petitioner would submit that the petitioner is the District Town Secretary of Amma Makkal Munnetra Kazhagam (AMMK) at Gudiyatham, Vellore District . The learned Senior Counsel would further submit that the party has resolved to hold peaceful hunger strikes at 23 Constituencies across the State, in order to highlight the State Government's failure in not fulfilling the demands of the general public. In view of the same, the petitioner made a representation to the respondent police on 23.10.2018, seeking for permission to hold the hunger strike on 16.11.2018. Since the representation was not considered, the present writ petition has been filed before this Court.

3. The learned Additional Public Prosecutor on instructions would submit that the respondent police have objection with regard to the venue that has been chosen by the petitioner. According to the learned Additional Public Prosecutor, B.R.Shed opposite to New Bus Stand Gudiyatham, Vellore District, is a very crowded place which is not a regular venue and the police cannot permit such an agitation to take place there. Therefore, the learned Additional Public Prosecutor would submit that the petitioner can be directed to give a fresh representation by choosing the venue at Chitoor Gate to Palamaner Road, Kallor, which is only one Kilometer away from the chosen venue. According to the learned Additional Public Prosecutor, the respondent police will be able to give permission and police protection if the petitioner choses the venue suggested by the respondent police.

4. This Court has carefully considered the submission made on either side.

5. This Court is of the considered view that the petitioner can choose the venue suggested by the respondent police. Consequently, the petitioner is directed to give a fresh representation to the third respondent by indicating the venue, date and time when the hunger strike is planned to be conducted by the petitioner. The petitioner shall undertake in the said representation that the hunger strike will be conducted in a peaceful manner without giving rise to any law and order problem. The petitioner shall further undertake in the representation that he will comply with any reasonable condition that may be imposed by the third respondent.

6. The third respondent on receipt of the representation shall grant permission to the petitioner to conduct the hunger strike on 16.11.2018. It is open to the third respondent to

impose any reasonable condition to ensure that no law and order problem arise and the petitioner is bound to comply with the same.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nmm/dss

To

- 1.The Superintendent of Police,
Office of the District Superintendent of Police,
Vellore, Vellore District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Gudiyatham, Vellore,
Vellore District.
- 3.The Inspector of Police,
Town Police Station,
Gudiyatham, Vellore,
Vellore district.

+2cc to Mr.N.Raja Senthoo Pandian Advocate SR.NO.77747

RSY(CO)

sm:15.11.2018

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