



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM

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THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P (MD) No.4527 of 2018

and

W.M.P. (MD) .Nos.4627 and 4628 of 2018

G.Kesavan

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Deputy Superintendent of Police,
Valliyoor Range,
Valliyoor,
Tirunelveli District.

3.The Inspector of Police,
Koodankulam Police Station,
Koodankulam
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the impugned order dated 11.02.2018 made in Na.Ka.No.52/Ka.Thu.Ka/Valliyoor/2018 passed by the 2nd respondent of granting permission to demonstrate hunger strike in front of an auditorium at Valliyoor by the petitioner in stead of in front of Kudankullam, Indian Oil Petrol Bunk, which is the eastern side of Tamil Nadu Electricity Board at Koodankulam, Tirunelveli District and quash the same and consequently, direct the respondents 2 and 3 to grant permission to the petitioner to demonstrate the hunger strike at Kudankullam in front of Indian Oil Petrol Bunk, which is the eastern side of Tamil Nadu Electricity Board in the month of March 2018 forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondent : Mr.N.Shanmuga Selvam
Additional Govt. Pleader

**O R D E R**

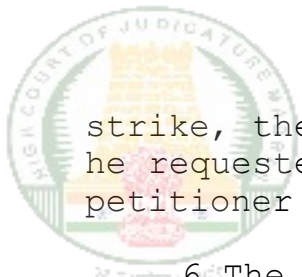
This writ petition has been filed to quash the order passed by the 2nd respondent in Na.Ka.No.52/Ka.Thu.Ka/Valliyoore/2018 dated 11.02.2018 and consequently to direct the respondents 2 and 3 to grant permission to the petitioner to demonstrate hunger strike at Koodankulam, in front of Indian Oil Petrol Bunk, which is the eastern side of Tamil Nadu Electricity Board at Koodankulam, Tirunelveli District in the month of March 2018 forthwith.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The learned counsel for the petitioner has submitted that the petitioner is the Union Secretary of Dravida Munnetra Kazhagam, Radhapuram Union, Radhapuram Taluk, Tirunelveli District and he is a social worker. He further submitted that the petitioner and his political party members have planned to conduct hunger strike to invite the Central Government and State Government with regard to (i) not allotting of fund for the construction of houses in and around Koodankulam (ii) Indifferent attitude in providing employment in the cadre of C and D in Atomic Power Project from the local people etc., and hence, the petitioner has submitted a representation to the third respondent on 02.02.2018, seeking permission. But the second respondent has rejected the said representation and hence, the petitioner has filed W.P.(MD).No.2555 of 2018 to quash the said order. He further submitted that this Court has disposed of the said writ petition directing the petitioner to give a fresh representation to the respondents on or before 10.02.2018, mentioning some other place and on submission of such an application, the third respondent has to pass appropriate order on or before 11.02.2018. He further submitted that in pursuance of the said order, the petitioner has submitted another representation to the third respondent on 10.02.2018. But the second respondent has rejected the said request and directed the petitioner to conduct hunger strike in front of an auditorium at Valliyoore, by the impugned order dated 11.02.2018. He further submitted that the said place is far away from the Koodankulam Atomic Plant and if the hunger strike is held at Valliyoore, that would not have any effect at all.

4. The learned Additional Government Pleader has submitted that the place now asked by the petitioner is 100 metres away from the Kamaraj statue and the said place is not fit for having hunger strike because of the security issue and there is a connecting road between township and atomic plant and therefore, the second respondent has rightly rejected the petitioner's request.

5. By way of reply, the learned counsel for the petitioner has submitted that in the order passed by the third respondent, dated 03.02.2018, he has stated that for the purpose of having hunger



strike, the police has earmarked the place at Keezha Bazaar. Hence, he requested this Court to direct the third respondent to permit the petitioner to have hunger strike in that place.

6. The order passed by the third respondent, dated 03.02.2018 is perused, in which, he has stated that the police has earmarked the place at Keezhabazaar for having hunger strike and public meeting. Therefore, the petitioner is directed to give a fresh representation, before the third respondent, mentioning the fresh date within a week from today. Thereafter, the third respondent has to pass order, in the light of the order passed by him, dated 03.02.2018.

7. With the above observation, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2. The Deputy Superintendent of Police,
Valliyoor Range,
Valliyoor,
Tirunelveli District.

3. The Inspector of Police,
Koodankulam Police Station,
Koodankulam
Tirunelveli District.

+1cc to Mr.S.Palanivelayutham, Advocate, SR.No.54032.
+1cc to Special Government Pleader in SR.No.53923.

W.P (MD) No.4527 of 2018
07.03.2018

vs

SDS/PN/SAR.2/12.03.2018/3P/6C