



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.05.2018

CORAM:

THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.10655 of 2018

and

W.M.P. (MD) No.9739 of 2018

B.Paulraj

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.

2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Colachel,
Kanyakumari District.

3.The Inspector of Police,
Nithravillai Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Police Memo dated 26.04.2018 on the file of the third respondent and to quash the same as illegal and consequently direct the first and second respondents to grant permission for conducting Relay Fasting on 09.05.2018 from 10.00 a.m., or any other date fixed by this Court venue infront of the petitioner's house situates at Pulimaru Vilai, Kanjampuram, Kanyakumari District.

For Petitioner : Mr.S.Vanchinathan

For Respondents : Ms.Vaishnavi
Government Advocate

For Intervenor : Mr.K.P.Narayanakumar

ORDER

Heard Mr.S.Vanchinathan, learned counsel appearing for the petitioner, Mr.K.P.Narayana Kumar, learned counsel appearing for the respondents, Mr.K.P.Narayanakumar and Ms.Vaishnavi, learned Government Advocate appearing for the respondents.



2.The petitioner has filed the writ petition to quash the impugned order in Police Memo dated 26.04.2018 passed by the third respondent and direct the first and second respondents to grant permission for conducting Relay Fasting on 09.05.2018 from 10.00 a.m., or any other date fixed by this Court, venue in front of the petitioner's house situated at Pulimaru Vilai, Kanjampuram, Kanyakumari District.

3.On the side of the petitioner, it is stated that the petitioner is District Coordinator in Aam athmi Party in Kiliyur Block, Kanyakumari District. It is stated that in the year 1997 one Jeyaselan, son of Thangaraj has started a Plastic Company namely JTVS Polymer manufacturer of PVC pipes and in the year 2005, he expanded the business of 2.5 acres without proper permission from the Pollution Control Board. The expanded unit is closed to residential area and the water is being polluted in and around the locality which caused a number of diseases to the residents. The industry is using Phthalate chemical which is banned. During the operation of the industry, Dioxien chemicals were spread over in the air and caused air pollution. During the month of December 2017, the petitioner represented before the third respondent seeking permission to go for hunger strike which was rejected and he again seek permission to conduct continuous fasting on 09.05.2018 in front of the petitioner's house. It is further stated that the petitioner request to quash the order passed by the third respondent dated 26.04.2018, denying the petitioner decide to go for hunger strike. The petitioner now seek permission from this Court for continuous fasting on 09.05.2018 and to quash the impugned order passed by the third respondent.

4.On the side of the petitioner, it is stated that he relied upon the order passed by this Court in the case of Kaliappan @ Ramadoss v. The Deputy Inspector General Police and others in W.P. (MD)No.8417 of 2018, in which it is stated that in a democratic country, it is the fundamental right of a person to express his resentment against the decision of the Government on any subject of social importance.

5.On the side of the Intervenor, it is stated that the respondent obtained permission and licence from all the concern authorities and he is having the right to run his business lawfully. It is further submitted that the petitioner seeks permission to go for hunger strike in front of his house which is adjacent to the respondent's premises and such a permission will affect the rights of the Intervenor. It is further stated that the petitioner approached the Green Tribunal and his petition was dismissed there. It further stated that only on political reasons and to gain political popularity, the petitioner is filing so many petitions and the petitioner has not challenged the order passed by the Green Tribunal and that the petitioner has sent only



an opinion to the respondents 1 and 2 and he did not ask for any relief from the respondents 1 and 2.

6. On the side of the petitioner, it is stated that the impugned order was passed by the Inspector of Police and as per the Section 30(1) only the respondents 1 and 2 are entitled to pass the impugned order.

7. On the side of the third respondent, it is stated that the Intervenor factory is adjacent to the house of the petitioner and permitting the petitioner to go on hunger strike will create law and order problem. Hence, he prayed to dismiss the petition.

8. Records perused. On the side of the petitioner, it is stated that that the Intervenor is running the factory without appropriate licence or permission from the Pollution Control Board. On the side of the Intervenor, it is stated that the Intervenor is running the business after obtaining necessary licence from all the authorities. The Intervenor was not impleaded as a party by the petitioner herein. The house of the petitioner is adjacent to the industry run by the defacto complainant. The respondent police suspects that there may be law and order problem. The petition for permitting the hunger strike is only addressed to the third respondent. Acknowledgement card for sending copy of the letters to the respondents 1 and 2 are filed but any how the date on which the petitioner want to go for hunger strike that is 09.05.2018 is already over.

9. In this circumstances, there is no merits in the petition, this writ petition is dismissed. No Costs. Consequently, W.M.P. (MD) No. 9739 of 2018 is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

mrn

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Kanyakumari District.

2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Colachel,
Kanyakumari District.



3.The Inspector of Police,
Nithravillai Police Station,
Kanyakumari District.

WEB COPY

+1 CC TO Mr.S.VANCHINATHAN , Advocate, Sr.No. 65198

+1 CC TO Mr. K.P.NARAYANA KUMAR , Advocate, Sr.No. 65311

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No. 65332

JAM/24/05/2018/ RSK-SKN/SAR 3 / 4P-7C

Writ Petition (MD).No.10655 of 2018
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