



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.05.2018

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THE HON'BLE MR. JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD)No.11177 of 2018

Murali Mohan

... Petitioner

Vs.

1. The Superintendent of Police,
Kilakarai, Ramanathapuram.

2. The Deputy Superintendent of Police,
Kilakarai, Ramanathapuram

3. The Inspector of Police,
Kilakarai, Ramanathapuram.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Proceedings issued by the 3rd Respondent herein in his proceedings Na.Ka.No.02/Ni.Ni./Kilakaraivattam/Rama/2018 dated 14.05.2018 and quash the same and consequently direct the respondents to grant permission to conduct fasting(hunger strike) on 21/05/2018 at 9.00 AM to 5.00 PM, in front of new bus stand, Kilakarai.

For Petitioner	: Mr.W.Pamelin
For Respondents	: Mr.A.Thiyagarajan Government Advocate

O R D E R

The prayer in this writ petition is to call for the records pertaining to the Impugned Proceedings issued by the 3rd Respondent herein in his proceedings Na.Ka.No.02/Ni.Ni./Kilakaraivattam/Rama/2018 dated 14.05.2018 and quash the same and consequently direct the respondents to grant permission to conduct fasting(hunger strike) on 21/05/2018 at 9.00 AM to 5.00 PM, in front of new bus stand, Kilakarai.

2.By consent of both the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

3.Heard Mr.W.Pamelin, learned counsel for the petitioner as well as Mr.A.Thiyagarajan, learned Government Advocate appearing on behalf of the respondents.



4.The learned counsel for the petitioner submitted that the petitioner has submitted his representation on 09.05.2018 seeking permission for conducting hunger strike on 21.05.2018 and the petition was rejected on 14.05.2018 by the third respondent. Challenging the same, the petitioner has come forward with the present petition.

5.The learned Government Advocate submitted that the petitioner's representation for conducting public meeting on 21.05.2018 was rejected as there is likelihood of law and order problem.

6.On this issue, this Court as well as the Hon'ble Supreme Court in various cases have held that the conduct of peaceful meeting is a fundamental right and therefore, the respondents cannot deny permission on the reason that there is a likelihood of law and order problem.

7.It is needless to point out that if at all, there is any likelihood or a situation of law and order, it is the duty of the respondent police to safeguard the situation and keep it under control. In this background, I am of the view that the petitioner is entitled to be granted permission for conducting such a meeting. However, the meeting shall be done in a peaceful manner, without affecting any sections of the society. The respondent police would also be entitled to impose reasonable restrictions for the purpose of granting permission.

8.With the above observation and direction, the impugned order dated 14.05.2018 is quashed and the Writ Petition stands allowed. The petitioner is granted liberty to approach the respondent police seeking permission for conducting hunger strike in front of new bus stand, Kilakarai on 21.05.2018 afresh and on receipt of such application, the third respondent police shall positively grant permission with reasonable restrictions. Such an exercise shall be endeavoured to be made on the same day of the application. No costs.

Sd/-

Vacation Officer()

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kilakarai, Ramanathapuram.

<https://hcservices.courts.gov.in/hcservices/>
2. The Deputy Superintendent of Police,
Kilakarai, Ramanathapuram



3. The Inspector of Police,
Kilakarai, Ramanathapuram.

+1cc to Mr.P.KARTHICK Advocate in SR. No.65479

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.65692

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MK/JC/SAR-3/18.05.2018/3P/6C

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