



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.22457 of 2018

WEB COPY

R.Thangadurai

... Petitioner

-Vs-

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

2.The Deputy Superintendent of Police,
Nilakottai, Dindigul District.

3.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second and third respondents to grant police permission and adequate police protection for Hunger Strike (Fasting) on 11.11.2018 at about morning 09.00 a.m., to evening 5.00 p.m., at Nilakottai Kalaiyarangam, Near Mini Bus Stand, Dindigul District based on the petitioner's representation dated 27.10.2018 within a stipulated time.

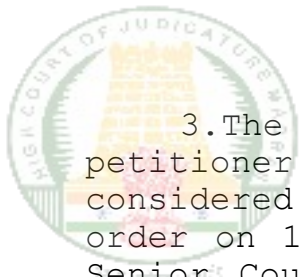
For Petitioner : Mr.S.Veerakathiravan
Senior Counsel
for Mr.K.Anbarasan

For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This petition has been filed directing the second and third respondents to grant permission and adequate police protection for the Hunger Strike to be held on 11.11.2018 from morning 09.00 a.m., to evening 5.00 p.m., at Nilakottai Kalaiyarangam, Near Mini Bus Stand, Dindigul District.

2.This petition has been has been filed by the Joint Secretary of Amma Makkal Munnetra Kazhagam, Nilakottai Constituency. The petitioner is a former MLA of the above said constituency. The petitioner wants to show their grievance against certain policies of the Government by undertaking a Hunger Strike.



3.The learned Senior Counsel representing on behalf of the petitioner would submit that this Court on an earlier occasion considered the entire issue and granted a similar permission by an order on 18.09.2018 made in W.P.(MD)No.19804 of 2018. The learned Senior Counsel would submit that this case is also placed on the same footing.

4.The learned Government Advocate vehemently opposed the permission sought for by the petitioner. The learned Government Advocate would submit that any permission granted will lead to a law and order problem.

5.This Court considered the submissions made on either side.

6.It is seen that a similar request made by another member of the very same party was granted by this Court on an earlier occasion and the Hunger Strike went on peacefully without any law and order problem. The respondent police cannot stop the representative of the people who is a former MLA, from showing their displeasure on certain policies of the Government, by sitting on a Hunger Strike. The contention of the learned Government Advocate that it will lead to law and order problem, is a mere apprehension. There is no material to substantiate the same.

7.In the facts and circumstance, there shall be a direction to the third respondent to grant permission and necessary police protection for the Hunger Strike to be held on 11.11.2018 from morning 09.00 a.m., to evening 5.00 p.m., at Nilakottai Kalaiyarangam, Near Mini Bus Stand, Dindigul District. It is left open to the third respondent to impose any reasonable condition and the petitioner is bound to comply with the same.

8.With this direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(AE)

To

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

2.The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.



3.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

+1CC to Mr.K.Anbarasan, Advocate, SR.No.94393

+1CC to the Special Government Pleader SR.No.94502

W.P. (MD) No.22457 of 2018
02.11.2018

PNN

ES/BALA/SAR -AE/10.11.2018/3P/6C