



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.22488 of 2018

Thanga Tamil Selvan

... Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Aundipatti,
Theni District.

3.The Inspector of Police,
Aundipatti Police Station,
Theni District.

... Respondents

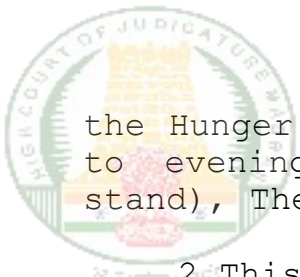
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second and third respondents to grant police permission and adequate police protection for Hunger Strike (Fasting) on 10.11.2018 at about morning 09.00am to evening 5.00 pm at Aundipatti, Near M.G.R., Statue (Taxi stand), Theni District based on the petitioner's representation dated 29.10.2018 within a stipulated time as may be fixed by this Court.

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 10.11.2018 from morning 09.00 a.m., to evening 5.00 p.m., at Aundipatti, Near M.G.R., Statue (Taxi stand), Theni District.

2. This petition has been filed by the District Secretary of Amma Makkal Munnetra Kazhagam, Theni District. 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 10.11.2018 from 9.a.m., to 5.p.m., at Aundipatti, Near M.G.R., Statue (Taxi stand), Theni 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. Even though, the petitioner has claimed permission for holding the Hunger Strike at Aundipatti, Near M.G.R., Statue (Taxi stand), Theni District, the learned Government Advocate on instructions would submit that the place abuts the main road and therefore, the permission will be granted to conduct the Hunger Strike behind the M.G.R. Statue which is only 10 meters away from the place of venue.

9.The submission made by the learned Government Advocate is accepted by this Court. The permission shall be granted accordingly by the third respondent.

10.With this directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-I)

To

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

2.The Deputy Superintendent of Police,
Aundipatti,
Theni District.

3.The Inspector of Police,
Aundipatti Police Station,
Theni District.

+1 cc to Special Government Pleader, SR.No.94504

PNN

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ORDER MADE IN
W.P. (MD) No.22488 of 2018
02.11.2018