



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD) No.24878 of 2018

WEB COPY

Balasubramani

: Petitioner

Vs.

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

2.The Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam, Karur District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to grant police permission and protection to the petitioner for conducting peaceful hunger protest in front of the District Collector Office, Karur on 24.12.2018 between 9 am to 6 pm as per the representation of the petitioner dated 10.12.2018 and 13.12.2018.

For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction to the second respondent to grant police permission and protection to the petitioner for conducting peaceful token hunger protest in front of the District Collector Office, Karur on 24.12.2018 between 9 am to 6 pm as per the representations of the petitioner dated 10.12.2018 and 13.12.2018.

2.The learned counsel appearing for the petitioner would submit that the petitioner is an agriculturist and social activist and that he had intended to express his protest against a corruptive officer, namely, Mrs.Mithili, Zonal Deputy Thasildar, presently working as Personal Assistant to the District Supplies and Consumer Protection Officer, Karur by undertaking a peaceful token hunger strike. He would further submit that in this regard, the petitioner sought permission from the second respondent to conduct hunger strike/protest peacefully in front of the District Collector Office, Karur and had given a representation to the respondent police on 10.12.2018 and another representation on 13.12.2018. He would also submit that despite on receipt of the said representations, the respondent police has neither granted permission nor rejected. Hence, the petitioner filed the present petition.



3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the place where the petitioner had intended to conduct peaceful hunger protest is a very congested area with heavy traffic and the respondent police is unable to grant permission since it would attract a crowd and affect free flow of traffic and that if permission is granted, there is an apprehension that it will create law and order problem during protest. He would however submit that if the petitioner is prepared to shift the place to any other alternate location, viz., near the Panchayath Union Office, Thanthondri Malai, Karur, the respondent police is prepared to grant permission.

4. The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is prepared to conduct token hunger protest near the Panchayath Union Office, Thanthondri Malai, Karur and that permission may be granted for the petitioner to conduct hunger protest on 27.12.2018.

5. In view of the same, the respondents police are directed to grant permission for conducting the peaceful hunger protest, by imposing the following conditions:

1) The hunger protest scheduled to be held on 27.12.2018 by the petitioner at Panchayath Union Office, Thanthondri Malai, Karur should be completed within the time frame fixed by the respondent police;

2) The petitioner and other participants shall not shout, raise any slogan against any party or party leader, any caste, community or creed;

3) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity;

4) Public address system can be used only within permissible limits;

5) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed;

6) There should not be any Flex Boards representing any community or political leaders;

7) If there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

8) Similarly, the Police is empowered to stop the hunger protest, if it exceeds beyond the permitted time;

9) The participants of the hunger protest shall not intake any kind of toxic substance or liquor during the protest;

10) If there is any untoward incident takes place, the organizers of the hunger protest be made responsible for the same;



11) The second respondent is at liberty to put any further restrictions or to impose any condition purely in the interest of preserving public order and tranquillity, so as to maintain law and order and communal harmony.

6. The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created during the course of conducting the hunger protest.

7. The writ petition stands disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-II)

To

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

2. The Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.

+1CC to Mr.S.Gokul Raj, Advocate, SR.No.101223

W.P. (MD) No.24878 of 2018
19.12.2018

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