



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.11.2018

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No.22706 of 2018

I.K.Subbramanian

... Petitioner

Vs.

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Paramkudi,
Ramanathapuram District.
- 3.The Inspector of Police,
Paramakudi Police Station,
Ramanathapuram District.

...Respondents

Writ 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 20.11.2018 at about morning 09.00 a.m to evening 6.00 p.m at Paramakudi Near Lena Mahal, Ramanathapuram District, based on the petitioner's representation dated 08.11.2018 within a stipulated time as may be fixed by this Court.

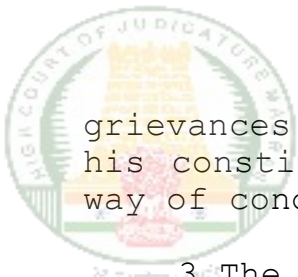
For Petitioner : Mr.M.Jegadeeshpandian

For Respondents : Mr.R.Anandharaj
Addl. Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the second and third respondents to grant permission and adequate police protection for Hunger Strike (Fasting) on 20.11.2018 at about morning 09.00 a.m to evening 6.00 p.m at Paramakudi Near Lena Mahal, Ramanathapuram District.

2.The petitioner is the Town Secretary of Ramanathapuram District of Anna Makkal Munnetra Kazhagam and he is the follower of Mr.T.T.V.Dinakaran, MLA. The petitioner wanted to express his



grievances with regard to certain local problems that are pending in his constituency and therefore, has decided to show his protest by way of conducting a hunger agitation.

3. The learned Counsel for the petitioner would submit that the petitioner made a representation on 08.11.2018 to the respondents seeking permission and the said representation was not considered. He would further submit that in similar situations, members belonging to his party had earlier sought for permission to conduct hunger strike in democratic manner in their respective town and since their representations were not considered by the police, they had earlier approached this Court and this Court in W.P(MD)No.19804 of 2018 and W.P(MD)Nos.22457 and 22488 of 2018 had directed the police to grant permission to them. He would also submit that the members of his party had conducted hunger fast in a democratic manner and had also duly complied with the condition imposed by the police. Therefore, the present petition has been filed before this Court.

4. The learned Additional Public Prosecutor, on instructions, would submit that the place that has been chosen by the petitioner to conduct hunger agitation is sensitive place and giving such permission will lead to law and order problem. He would further submit that the hunger strike must be conducted with a limited number of people and if large number of people gather in the venue, it will create unnecessary hardship to the general public and since the venue is a 5 road junction, it will also lead to traffic problems.

5. The second respondent has also filed a counter affidavit in this writ petition, opposing the grant of permission to the petitioner.

6. This Court has carefully considered the submissions made on either side.

7. Admittedly, in this case the venue that has been chosen by the petitioner is the venue where such agitations normally take place.

It is not as if the venue chosen by the petitioner has never been permitted for conducting demonstration on earlier occasions. Therefore, the submission made by the learned Additional Public Prosecutor that the venue chosen by the petitioner cannot be permitted for conducting hunger strike is not sustainable.

8. Even in the counter affidavit, except for raising some general objection, there is nothing to show that if permission is granted, it will be lead to law and order problem.

9. The petitioner is the resident of Ramanathapuram District. It is well within the right of the petitioner to express the grievances of the people belonging to the constituency in a democratic manner. The respondent police cannot reject permission for such a



demonstration unless very strong grounds are shown before this Court to the effect that it will lead to law and order problem.

10. In the facts and circumstances of the case, this Court is inclined to direct the second respondents to grant permission to the petitioner to conduct hunger demonstration. Accordingly, the second respondent is directed to grant permission to the petitioner to conduct fasting agitation on 20.11.2018 at the venue indicated by the petitioner. The petitioner is directed to give an undertaking affidavit mentioning that they will not violate any of the conditions imposed on them by the respondent police. It is left open to the second respondent to impose any reasonable conditions, for the purpose of giving such permission to the petitioner and the petitioner is duty bound to comply with the conditions without fail. If the petitioner or the member belonging to his party violate any of the conditions imposed by the second respondent, it is left open to the second respondent to take action in accordance with law.

11. The writ petition is disposed of with the above direction.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar (CS-I)

skn

To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Deputy Superintendent of Police,
Paramkudi,
Ramanathapuram District.
3. The Inspector of Police,
Paramakudi Police Station,
Ramanathapuram District.

+1cc to Mr. M. Jagadeesh Pandian, Advocate in SR No 95516

W.P. (MD) No. 22706 of 2018

NM/RP/SAR I/15.11.18/3P/5C.