



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.11.2018

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD) No.22792 of 2018

S.G.Subramanian

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sattur,
Virudhunagar District.

3.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to grant police permission and adequate police protection for 'Hunger Strike' (Fasting) on 27.11.2018 at about morning 09.00 a.m., to evening 5.00 p.m., at Alangulam TNC, Mukku Road Roundana Street, East Side, Sattur, Virudhunagar, based on the petitioner's representation dated 12.11.2018, within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.K.Anbarasan

For Respondents : Mr.R.Anandharaj

Addl. Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the 2nd and 3rd respondents to grant police permission and adequate police protection for 'Hunger Strike' (Fasting) on 27.11.2018 at about morning 09.00 a.m., to evening 5.00 p.m., at Alangulam TNC, Mukku Road Roundana Street, East Side, Sattur, Virudhunagar based on the petitioner's representation dated 12.11.2018, within a stipulated time.

2. The petitioner is the District Secretary of Virudhunagar District of Amma 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 Strike' (Fasting).



3. The learned Counsel for the petitioner would submit that the petitioner made a representation on 12.11.2018 to the respondents seeking permission and the said representation was not considered. Therefore, the present petition has been filed before this Court.

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

5. The learned Additional Public Prosecutor, would vehemently oppose this petition stating that the place where the petitioner intends to conduct 'Hunger Strike', belongs to Tamil Nadu Cement Corporation Limited and that the Tamil Nadu Cement Corporation Limited has given a complaint and objection stating that assembling of the person at the proposed venue will obstruct the traffic and thereby block the ingress and egress to the factory creating hardship and disturbance to the day to day affairs of the factory.

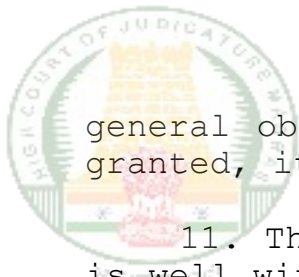
6. At this juncture, the learned counsel for the petitioner would submit that the 'Hunger Strike' will be attended by some members of the party roughly about 500 persons, from morning. He would further submit that the respondents have earlier granted permission to several other political parties and organization for conducting agitations and demonstrations and also Hunger Strike at the same venue and that strangely at that time no objection had been raised by the factory and that now the respondents in the guise of the frivolous complaint given by the Tamil Nadu Cement Corporation Limited, which is a Government body are attempting to scuttle the political activity of the petitioner. He would further submit that the respondents, cannot discriminate the claim of the petitioner to conduct 'Hunger strike' at the same place when permission had been earlier granted to several other parties.

7. The learned counsel for the petitioner would further submit that the petitioner shall give an undertaking to the respondents police that they will no way obstruct or hinder the free flow of traffic in the place and also give an undertaking to the respondents police that they will use only one side of the road and that only five vehicles will follow their leader's vehicle and reach the spot and they will restrict all other vehicles one kilometre away from the place where the 'Hunger Strike' is going to be conducted.

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

9. 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.

10. Even in the counter affidavit, except for raising some



general objections, there is nothing to show that if permission is granted, it will lead to law and order problem.

11. The petitioner is the resident of Virudhunagar 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 respondents police cannot reject permission for such 'Hunger Strike' unless very strong grounds are shown before this Court to the effect that it will lead to law and order problem.

12. In the facts and circumstances of the case, this Court is inclined to direct the second respondent to grant permission to the petitioner to conduct 'Hunger Strike'. Accordingly, the second respondent is directed to grant permission to the petitioner to conduct 'Hunger Strike' (Fasting) on 27.11.2018 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 respondents 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.

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

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-III)

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Deputy Superintendent of Police,
Sattur,
Virudhunagar District.
3. The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

+1cc to Mr.K.ANBARASAN, Advocate, SR.No.96248

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PM

KK/SV/SAR-3/23.11.2018/3P-5C

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