



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.12.2018

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No.25207 of 2018

Combained Women Self Help Group
Rep.by its President
K.S.Deepa,
W/o.K.Senthilkumar,
Kumaransalai, Keeramangalam,
Alangudi Taluk, Pudukkottai District.

... Petitioner

Vs.

- 1.The District Collector,
Pudukottai. Pudukottai District.
- 2.The Superintendent of Police,
Pudukottai District, Pudukottai.
- 3.The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.

...Respondents

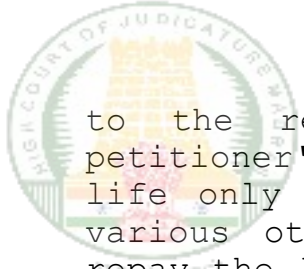
Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second and third respondents to grant permission to conduct token hunger strike on 22.12.2018 from 10.00 am to 05.00 pm in Keermangalam, Old Bus Stand, Keeramangalam, Pudukottai District based on the petitioner's representation dated 15.12.2018.

For Petitioner : Mr.R.Maheswaran
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 to conduct token hunger strike on 22.12.2018 from 10.00 am to 05.00 pm in Keermangalam, Old Bus Stand, Keeramangalam, Pudukottai District based on the petitioner's representation dated 15.12.2018.

2.The petitioner is the head of all women self help groups in her area and that there are more than 30 self help groups were functioning and they availed loan from various financial institutions and repaid the same. He would further submit that due



to the recent natural calamity, namely, "Kaja cyclone", the petitioner's area affected severely and now they are running their life only out of relief being distributed by the volunteers from various other Districts and hence, the petitioner was unable to repay the loan amount. He would further submit that the above said financial institutions harassed the members of the self help group and that they approached the first respondent and on 10.12.2018 and the first respondent directed the financial institutions to wait for six months for collecting the above loan. He would also submit that though the first respondent has passed such order, the financial institutions are continuing their attitude of harassing and that in order to contempt of such attitude, the petitioner and other members of the group decided to conduct a token hunger strike on 22.12.2018 from 10.00 am to 05.00 pm.

3.The learned counsel for the petitioner would submit that in this regard the petitioner submitted written request to the second and third respondent to grant permission for conducting above hunger strike. However, the third respondent has orally rejected the request of the petitioner. Therefore, the present petition has been filed before this Court.

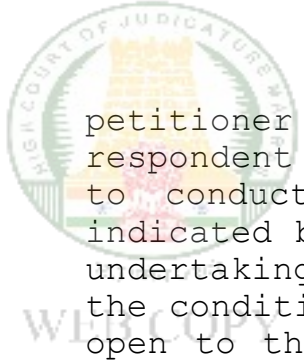
4.The learned Additional Public Prosecutor, on instructions, would submit that the place that has been chosen by the petitioner to conduct hunger agitation is sensitive place and giving such permission will lead to law and order problem. He would further submit that the hunger strike must be conducted 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 sensitive place, it will also lead to traffic problems.

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.

9.The petitioner is the resident of Pudukkottai District. It is well within the right of the petitioner to express the grievances 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 respondent police to grant permission to the



petitioner to conduct token hunger strike. Accordingly, the respondent police is directed to grant permission to the petitioner to conduct the said hunger strike on 22.12.2018 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 respondent police 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 her group violate any of the conditions imposed by the respondent police, it is left open to the respondent police to take action in accordance with law.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The District Collector,
Pudukottai. Pudukottai District.

2.The Superintendent of Police,
Pudukottai District, Pudukottai.

3.The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai Distrct.

• 1 CC TO Mr.C.SUSI KUMAR , ADVOCATE IN SR No. 101463.

GNS

DS RSK SAR2 21 12 2018 3P 5C

order made in

W.P. (MD) No.25207 of 2018
20.12.2018.