



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.02.2020

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P(MD) No.2682 of 2020

G.Pachaii Perumal

... Petitioner

Vs.

1.The Superintendent of Police
Thoothukudi District
Thoothukudi

2. The Inspector of Police
Eral Police Station
Thoothukudi District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to give permission and adequate police protection to the petitioner for conducting 'Hunger Strike' from 07.00am to 05.30 p.m on 23.02.2020 by using loud speakers and mic near Taluk Office, Eral

For Petitioner : Mr.A.Karthik

For Respondents : Mrs.S.Bharathi
Govt. Advocate (crl.side)

O R D E R

This writ petition has been filed seeking for a direction to direct respondents to give permission and adequate police protection to the petitioner for conducting 'Hunger Strike' from 07.00am to 05.30 p.m on 23.02.2020 by using loud speakers and mic near Taluk Office, Eral

2.The learned counsel for the petitioner would submit that the petitioner is a social activist and serving for the welfare of the general public in the locality. He would also submit that the land where the Eral Bus stand is functioning is situated in Survey N0.158/1 of Vazhavallan Village which originally belong to Government Property and the same was also reflected in 'A' Register of Vazhavallan Village. But some persons for their illegal gain with



the help of revenue department as well as Eral Town Panchayat have made alteration in the revenue records and encroached upon larger portion in the bus stand. He would also submit that many villagers have taken the matter to the District Collector, Thoothukudi to remove the encroachment and restore it for public usage. Since the authorities have not taken any steps to remove the encroachment made by the individuals and restore the same for public usage. He would also submit that in order to invite the attention of the authorities, the petitioner has also affixed notices and pamphlets in the locality on 21.01.2020 to take action to remove the encroachment made in Survey No.158/1 and 149/71 of Vazhavallan Village. Even thereafter the authorities have not come forward to consider the request and allowed the individuals to remain encroach upon the Government land. Hence to remove the encroachment the villagers have decided to conduct hunger strike near Taluk Office, Eral on 23.02.2020 and submitted necessary permission letter to the second respondent on 30.01.2020 seeking permission to demonstrate 'Hunger Strike' and to use mic and loud speaker. Since no action has been taken so far, the present writ petition has been filed.

3.The learned Government Advocate (criminal side) appearing for the respondents would submit that the respondent has rejected the representation of the petitioner on the ground that it will cause disturbance to the free movement of public and the cause disturbance to the general public. However, they have only objection regarding the place and if the petitioner is agreeable to conduct the hunger fast at an alternative venue at near Gandhi Statue, Eral Town, they have no objection.

4.At this juncture, the learned counsel for the petitioner would submit that the petitioner is agreeing to conduct the hunger strike at the place in Eral Town near Gandhi Statue.

5.The learned Government Advocate (criminal side) would submit that the respondent police have no objection to conduct the hunger strike at the place in Eral Town near Gandhi Statue.

6.In view of the above situation, this Court is inclined to direct the respondent police 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 on 23.02.2020 between 7.00 am and 5.30 pm at the venue in Eral Town near Gandhi Statue. 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 Trust 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.



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

Sd/-

Assistant Registrar (P AND A)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police
Thoothukudi District
Thoothukudi

2. The Inspector of Police
Eral Police Station
Thoothukudi District

+1 CC to M/s.A.KARTHIK, Advocate (SR-5876[F] dated 12/02/2020)

order made in
Writ Petition(MD)No.2682 of 2020
12.02.2020

KK/SAR/17.02.2020/3P-4C/