



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 26.02.2020
CORAM

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition(MD)No.2833 of 2020

Thavasimuthu

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruchendoor, Thoothukudi District.

3.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.

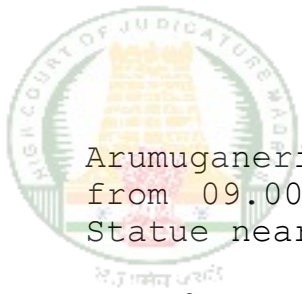
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order, dated 19.01.2020, on the file of the second respondent as illegal and consequently direct the respondents to grant permission to conduct the Fasting programme regarding to retrieval of the Lands allotted by the State Government to the freedom fighters and their Successors in Arumuganeri, Thoothukudi District on any date fixed by this Court at 09.00 a.m to 06.00 p.m at opposite to Thiyagi K.T.Kosalram Statue near to Arumuganeri Bazar, Arumuganeri, Thoothukudi District.

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

O R D E R

This writ petition has been filed seeking to quash the impugned order, dated 19.01.2020, on the file of the second respondent and direct the respondents to grant permission to conduct the Fasting programme regarding to retrieval of the Lands allotted by the State Government to the freedom fighters and their Successors in



Arumuganeri, Thoothukudi District on any date fixed by this Court from 09.00 a.m to 06.00 p.m at opposite to Thiyagi K.T.Kosalram Statue near to Arumuganeri Bazar, Arumuganeri, Thoothukudi District.

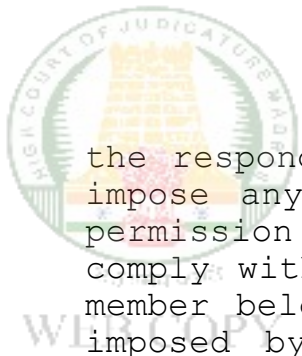
2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

3.The learned counsel for the petitioner would submit that the petitioner is a President of Indian Freedom Fighters and Successors Welfare Association. The said Sangam is the registered body and the sangam is fighting for the causes of Freedom Fighters. Since 2014, the petitioner's sangam is struggling with the authorities to reclaim the land, which is specifically allotted for the freedom fighters and their successors. But the District authorities did not take any action. Therefore, the petitioner's sangam have planned to conduct a peaceful fast near the venue opposite to Thiyagi K.T.Kosalram Statue near to Arumuganeri Bazar, Thoothukudi District, on 20.01.2020. In this regard, the petitioner sent a representation to the second respondent on 02.01.2020 and the same was rejected on 19.01.2020. Challenging the same, the present writ petition has been filed before this Court.

4.The learned Government Advocate (criminal side) appearing for the respondents would submit that the respondent police have no objection in the petitioner conducting Fasting, however, they have objection regarding the place since it would cause disturbance to free flow traffic and public and if the petitioner is agreeable to conduct the Fasting at the alternative venue at near the “ஆலமரம்” at Katuyerum Perumal Temple Ground, on Adaikalapuram Road, Arumuganeri, the respondents are prepared to grant permission. She would further submit that the respondents have instruction that one Periyasamy who is the trustee of the Katuyerum Perumal Temple, has also granted permission for the petitioner to conduct Fasting at the said place on 10.03.2020.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner is agreeing to conduct the Fasting at the place near “ஆலமரம்” at Katuyerum Perumal Temple Ground, on Adaikalapuram Road, Arumuganeri, on 10.03.2020 from 09.00 a.m to 06.00 p.m.

6.In view of the above, this Court is inclined to direct the respondent police to grant permission to the petitioner to conduct Fasting. Accordingly, the third respondent is directed to grant permission to the petitioner to conduct Fasting on 10.03.2020 between 9.00 am and 06.00 pm at the venue near “ஆலமரம்” at Katuyerum Perumal Temple Ground, on Adaikalapuram Road, Arumuganeri. The petitioner is directed to give an undertaking affidavit mentioning



the respondent police. It is left open to the third 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 association violates any of the conditions imposed by the third respondent, it is left open to the third respondent to take action in accordance with law.

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

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruchendoor, Thoothukudi District.
- 3.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.

+1 CC to M/s.S.VANCCHINATHAN, Advocate (SR-8748[F] dated 27/02/2020)

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KK/27.02.2020/3P-5C