



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.01.2020

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THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Writ Petition (MD) No. 25958 of 2019

K.K.R. Lenin

... Petitioner

Vs.

The Deputy Superintendent of police,
Vallam, Thanjavur,
Thanjavur 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 pertaining to the proceeding in Na.Ka.No.379/NRC/வஉ/கோ/முகாம்/2019, dated 18.11.2019, on the file of the Deputy Superintendent of Police, Vallam, Tanjavur and quash it and further direct the respondent to sanction permission to the petitioner organization to go for Hunger Strike in the place and date, the Court fixed by considering merit of the reason given by the respondent, in his letter, dated 18.11.2019 by the respondent.

For Petitioner : Mr.K.K.Samy
for Mr.S.Senthamil Selvan

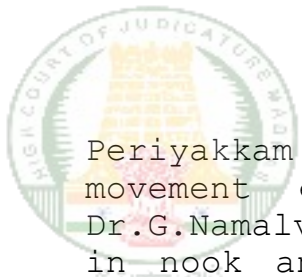
For Respondent : Mrs.S.Bharathi
Government Advocate (crl.side)

O R D E R

This writ petition has been filed challenging the proceedings in Na.Ka.No.379/NRC/வஉ/கோ/முகாம்/2019, dated 18.11.2019, on the file of the Deputy Superintendent of Police, Vallam, Thanjavur and further seeking a direction to the respondent to sanction permission to the petitioner organization to go for Hunger Strike in the place and date, the Court fixed by considering merit of the reason given by the respondent, in his letter, dated 18.11.2019 by the respondent.

2.The learned counsel for the petitioner would submit that the petitioner is a State Organizing Secretary of "Peralippukku Ethirana

<https://hcservices.ecourts.gov.in/hcservices/>



Periyakkam (பேரழிப்பிற்கு எதிரான பேரியக்கம்) and it is a self-respect movement established with a view to fulfill the dreams of Dr.G.Namalvar, who has tirelessly worked till the end of his death in nook and corner of the villages of Tamil Nadu for promoting organic farming, to rejuvenate the soil texture, structure and to check environmental disaster thereby, renaissance of Tamil Nadu farmers socially, politically and ecologically. He would further submit that the petitioner's organization used to educate the farmers and villagers by organizing rally, indoor meeting, personal contacts etc., with the view to make awareness of the farmers against usage of Chemical fertilizers and plant protection pesticide and thereby, save the nature and natural food chain so that livelihood of them would be safeguarded. He would further submit that the Union of India has planned to use the territory of Thanjavur Delta to explore and draw Methane gas, coal, Hydro-carbon available under it, by inserting the using the chemical mixture consisting the toxic and carcinogen agents like uranium, mercury, ethylene, glycol, methanol, hydrochloric acid and formaldehyde etc., so that the harden rocks under the Sub-soil of the region will easily cracked and the goal for which the project was started be achieved. Therefore, using such toxic materials at a particular belt definitely will have serious effect on the ecological atmosphere and the areas will be not suitable for living of mankind at a stage. In this regard, the petitioner sent a representation to the concerned authorities on 29.10.2019 and grant permission to sit in hunger strike and the same was rejected by the respondent by passing the impugned proceedings in Na.Ka.No.379/NRC/வஉ/கோ/முகாம்/2019, dated 18.11.2019. Hence, the present writ petition has been filed.

3.The learned Government Advocate (criminal side) appearing for the respondents would submit that the respondent police have no objection to conduct the Hunger Strike, however, they have only objection regarding the place and if the petitioner is agreeable to conduct the hunger strike at the alternative venue at Lali Hall, Shanthi Kamala Theatre Road (opposite), Thanjavur East, Thanjavur District, 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 Lali Hall, Shanthi Kamala Theatre Road (opposite), Thanjavur East, Thanjavur District.

5.In view of the above situation, this Court is inclined to set aside the impugned proceedings in Na.Ka.No.379/NRC/வஉ/கோ/முகாம்/2019, dated 18.11.2019, on the file of the Deputy Superintendent of Police, Vallam, Thanjavur and direct the respondent police to grant permission to the petitioner to conduct hunger strike. Accordingly, the impugned proceedings in Na.Ka.No.379/NRC/வஉ/கோ/முகாம்/2019, dated 18.11.2019, passed by the respondent is set aside and the



petitioner shall give a petition along with necessary undertakings to the respondent Police. On receipt of such petition along with necessary undertakings, the respondent is directed to grant permission to the petitioner to conduct hunger strike on 27.01.2020 and 28.01.2020 at the venue in Lali Hall, Shanthi Kamala Theatre Road (opposite), Thanjavur East, Thanjavur District. 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 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 respondent, it is left open to the respondent to take action in accordance with law.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

The Deputy Superintendent of police,
Vallam, Thanjavur,
Thanjavur District.

+1 CC to M/s. K.K. SAMY, Advocate (SR-2724[F] dated 24/01/2020)

order made in
Writ Petition (MD) No. 25958 of 2019
23.01.2020

sjj
SDS (24.01.2020) 3P-3C