



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD).No.11632 of 2022
and
W.M.P(MD)No.8215 of 2022

J.M.Gose

... Petitioner

Vs

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

2. The Deputy Superintendent Of Police,
Srivilliputhur,
Virudhunagar District.

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

... Respondents

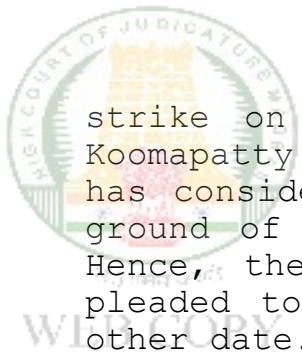
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings dated 27.05.2022, issued by the second respondent quash the same and consequently directing the respondents to forthwith grant permission to conduct Hunger Strike on any date at Ramasampuram Ambedkar Statue and Koomapatty Bus Stand Virudhunagar District, within the time limit that may be stipulated by this Court.

For Petitioner : M/s.Krishnasamy.P,
For Respondent : Mr.E.Antony Sahaya Prabakar,
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus, seeking to quash the proceedings, dated 27.05.2022, issued by the second respondent and consequently direct the respondents to grant permission to conduct Hunger Strike on any date at Ramasampuram Ambedkar Statue and Koomapatty Bus Stand Virudhunagar District.

2.The learned Counsel appearing for the petitioner submitted that the petitioner has sent an application, dated 09.05.2022, seeking permission of the second respondent for conducting hunger



strike on 03.06.2022, before Ramasampuram Ambedkar Statue and Koomapatty Bus Stand, Virudhunagar District. The second respondent has considered the said application and dismissed the same, on the ground of causing hindrance to public and law and order problem. Hence, the present writ petition has been filed and further he pleaded to allow the petitioner to conduct hunger strike in some other date.

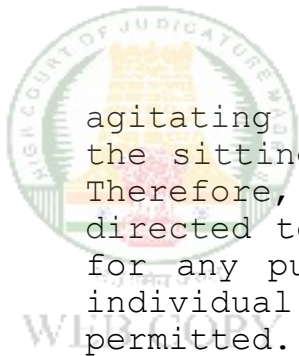
3.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is seeking permission to conduct hunger strike in order to get back money from the Minister as alleged that the Minister had cheated the petitioner. Further, he relied upon the grounds 'C' in the affidavit filed by the petitioner, for denying the permission to the petitioner for conducting hunger strike and also submitted that previously, the petitioner had filed a case against the respective person, FIR had been registered and for the same, charge sheet in C.C.No.129 of 2014, had been filed before the learned Judicial Magistrate, Aruppukottai, which was quashed by this Court in CrI.O.P (MD).14527 of 2014, under which, a compromise had been reached by the parties, and therefore, pleaded that the petitioner cannot be permitted to conduct hunger strike, for the purpose of getting back money from the Minister. It will cause law and order problem.

4.The learned Counsel appearing for the petitioner stated that in the alleged compromise for quashing the C.C.No.129 of 2014, one of the accused person had not signed. Without getting the signature of another accused person, the compromise memo was filed and the case had been quashed.

5.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials available on record.

6.Considering the matter in the light of the submissions made by both the Counsels and on a perusal of records, it is seen that the petitioner has given an application, dated 09.05.2022, to the second respondent, for conducting hunger strike against the Minister, on 03.06.2022, as the Minister and others were cheated him on assurance of giving Member of Legislative Assembly seat and Party Secretary Post and after receiving the money, they have not fulfilled their promise and also not returned the money. Hence, he wanted to conduct hunger strike.

7.In view of above submission, it is clear that the second respondent has dismissed the said application on the ground that law and order problem may arise due to the agitation, which is against the sitting Minister. Admittedly, if any money transaction had taken place for getting Member of Legislative Assembly Seat and Party Secretary Post, the petitioner may initiate appropriate legal proceedings against the concerned persons. For the said purpose,



agitating in the public place and conducting hunger strike against the sitting Minister, definitely will create law and order problem. Therefore, for this purpose, the second respondent cannot be directed to give permission to conduct the hunger strike. However, for any public cause, hunger strike may be permitted, but for an individual dispute, hunger strike at public place cannot be permitted.

8. Therefore, I find no illegality in the impugned order passed by the second respondent. Hence, this writ petition stands dismissed. No costs. However, if the petitioner gives a fresh representation to the second respondent for conducting any peaceful agitation without causing hindrance to the public, that representation may be considered by the second respondent. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

lr

To

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

2. The Deputy Superintendent Of Police,
Srivilliputhur,
Virudhunagar District.

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

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P. KRISHNASAMY, Advocate (SR-26269[F] dated 16/06/2022)

W.P (MD) .No.11632 of 2022
14.06.2022

KG(CO)

KB(23.06.2022) 3P 6C