



W.P(MD)No.25:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25527 of 2022
and
W.M.P.(MD)No.19598 & 19599 of 2022

S.Amose

... Petitioner

Vs

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
2. The Director General of Police,
Government of Tamil Nadu,
O/o. Director General of Police,
Chennai.
3. The Superintendent of Police,
O/o. Superintendent of Police,
Nagercoil,
Kanyakumari District,
Kanyakumari.
4. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District,
Kanyakumari.
5. The Inspector of Police,
Nesamani Nagar Police Station,



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Kanyakumari District,
Kanyakumari.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Na.Ka.No.C3/127/2022 dated 28.10.2022 on the file of the respondent no.1 and quash the same as illegal and consequently direct the respondent 2 to 4 to grant permission to the petitioner and other members of the “Kumari Makkal Urimaigal Pathukappu Iyakkam” to conduct a public meeting/Hunger Protest Opposite to District Collectors Office on any date between 10AM to 5 PM within the time frame stipulated by this Hon'ble Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.A.Kannan, Additional Government Pleader
For R2 to R5	: Mr.B.Thanga Aravindh Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Na.Ka.No.C3/127/2022 dated 28.10.2022 on the file of the respondent no.1 and quash the same as illegal and consequently direct the respondent 2 to 4 to grant permission to the petitioner and other members of the “Kumari Makkal Urimaigal Pathukappu Iyakkam” to conduct a public



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meeting/Hunger Protest Opposite to District Collectors Office on any date between 10AM to 5 PM within the time frame stipulated by this Hon'ble Court.

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2.Heard Mr.T.Lajapathi Roy, learned Counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for the first respondent and Mr.B.Thanga Aravindh, learned Government Advocate appearing for the respondents 2 to 5.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the President of the Kumari Makkal Urimaigal Padugappu Iyakkam working for the welfare of the workers and enforcement of rights of the Economically weaker Section of the Society. The series of protest has been ongoing in Kanyakumari against the Notifying Eco Sensitive Zone Limits in the Kanyakumari District. The Brick Klins in Kanyakumari District provides employment to substantial number of marginalized people of the District numbering about 80 to 100 thousand of persons. In this regard, the petitioner's association had decided to take on a hunger strike public meeting opposite to District Collectors Office from 10 a.m., to 5 p.m., on 17.10.2022 to withdraw the ESZ Notification issued for the Kanyakumari District. In this regard, we have already prepared pamphlets and wall posters and spent more than a sum of Rs. 2,00,000/- till date. On 26.09.2022, the petitioner made a representation to the fourth



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respondent through registered post with AD card and requested to grant permission to the petitioner and other members of the “Kumari Makkal Urimaigal Padugappau Sangam” to conduct a public meeting of Hunger Protest at Opposite to District Collectors Office from 10 AM to 5 PM on 17.10.2022.

4. He would further submit that the public hunger protest meeting is done in a peaceful manner and refusing permission for procession is clear violation of fundamental Rights guaranteed under Article 19(1)(a) of the Constitution. In these circumstances, the petitioner has filed a writ petition in W.P(MD)No.23262 of 2022 before this Court. When the writ petition came up for hearing on 10.10.2022 this Court has directed the petitioner to approach the District Collector, Kanyakumari District and also directed the District Collector, Kanyakumari at Nagercoil in consultation with the Superintendent of Police, Kanyakumari District at Nagercoil may pass appropriate orders considering the right of the petitioner to protest in a democratic way in the light of the restrictions if any imposed by this Court on earlier occasion. Thereafter, the petitioner made a detailed representation on 21.10.2022 to the first respondent to grant permission to conduct the public meeting/Hunger Protest opposite to District Collector's Office, Nagercoil. The first respondent without affording an opportunity of hearing and without application of mind had rejected the request of the petitioner and passed the impugned order, dated 28.10.2022 stating that no meetings have been conducted in the



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said place for the past 5 years and considering the fact free flow of traffic would be affected and inconvenience caused to the general public, who use the road. Challenging the same, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. When the matter was taken up for hearing on 10.11.2022, this Court directed the petitioner to choose some other place for conducting Hunger strike. Based on the direction given by this Court, the petitioner had chosen the place in front of Nagercoil Aringar Anna Stadium.

6. The learned Additional Government Pleader appearing for the first respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions for maintaining law and order and also to avoid any untoward incident during public meeting/hunger strike.

7. Though the petitioner has come forward with a larger prayer, at the time of hearing, the learned counsel for the petitioner would submit that if a direction is given to the respondents to consider the request of the petitioner, the petitioner would be satisfied.



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8. In view of the limited prayer that has now been sought for and the submission made by the learned Additional Government Pleader, this Court directs the respondents to fix the convenient date for protest near Aringar Anna Stadium and to accord permission to the petitioner and provide police protection to conduct Public Meeting/Hunger Strike by incorporating the following conditions:

“(i) The Public Meeting/Hunger Strike will be conducted during 10 a.m., to 05.00 p.m;

(ii) The Hunger strike shall not exceed 40 persons;

(iii) The hunger strike will be conducted in a peaceful manner without causing any hindrance to the general public and public transportation;

(iv) If there is any violation of any of the conditions imposed, the authorities are at liberty to take necessary action, as per law and stop such public meeting/hunger strike;

(v) similarly, the authorities are empowered to stop the programme, if it exceeds beyond the permitted time;

(vi) They can use only box shaped loudspeakers.

9. Accordingly, the writ petition stands disposed of. No costs. consequently, connected miscellaneous petitions are closed.

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V.BHAVANI SUBBAROYAN, J.

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