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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.07.2023

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.20400 of 2023

K.Murugan

... Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District Police Department,
Villupuram District.

2. The Deputy Superintendent of Police,
Gingee Police Range,
Villupuram District.

3. The Inspector of Police,
Gingee Police Station,
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records of the Impugned Order dated 04.07.2023 in Na.Ka.No.11/Inspector/2023" of the 3rd respondent and quash the same and consequently directing the respondent police not to interfere or jeopardize the Continuous Sit-in Protest ("Thodar



Kathirippu Porattam"), which is going to be held in the Private Land situated in Survey Nos.90/11K of Vallam Village, Gingee Taluk, Villupuram District from the date stipulated by this Hon'ble Court onwards, subject to reasonable restrictions.

For Petitioner : Mr.Guruprasad

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed challenging the proceedings of the 3rd respondent in Na.Ka.No.11/Inspector/2023 dated 04.07.2023 and for a consequential direction to the respondent police not to interfere with the continuous sit in protest, which is going to be held in private patta land.

2. Heard Mr.Guruprasad, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.



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3. The continuous sit in protest has been conducted by an organization called as “ Tamizhaga Vivasaayigal Paadhugappu Sangam”. They have been protesting against the acquisition of lands from the farmers for a Power transmission projects. Right from the year 2018 onwards, this Court has been passing orders permitting the farmers to conduct the sit in protest inside patta land without causing any law and order problem and without putting the public to hardship. This has been going on for a long time and hence, the grievance that has been expressed in this writ petition must also be considered in the same lines.

4. The 3rd respondent has rejected the permission sought for by the petitioner on the ground that there is a prohibition order under section 30(2) of the Police Act.



5. The permission to conduct the sit in protest has been granted right from the year 2018 onwards. The agitation does not take place in a public road. Hence, there should be no objection on the part of the respondent police to restrain the sit in protest inside the patta land.

6. In the light of the above discussion, the impugned proceedings of the 3rd respondent dated 04.07.2023 is hereby quashed and there shall be a direction to the petitioner and others to carry on with the sit in protest in the private patta land after giving an undertaking before the 3rd respondent that they will not cause any law and order problem and they will not in any way restrain the free movement of the general public and the vehicles. Once such an undertaking is given, the respondent police need not interfere with the peaceful conduct of agitation inside the private patta land except where any law and order problem is being created.



7. This writ petition is disposed of in the above terms.

No costs.

10.07.2023

Index :Yes/No

Internet:Yes/No

Speaking/Non speaking order

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To

1. The Superintendent of Police,
Villupuram District Police Department,
Villupuram District.

2. The Deputy Superintendent of Police,
Gingee Police Range,
Villupuram District.

3. The Inspector of Police,
Gingee Police Station,
Villupuram District.

4. The Public Prosecutor,
High Court, Madras.

N. ANAND VENKATESH,J



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