



WEB COPY



W.P.No.21806 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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T.Subbaiyan

.. Petitioner

Versus

1. The Superintendent of Police,
Thiruvarur,
Thiruvarur District.
2. The Deputy Superintendent of Police,
Muthupettai Sub-Division,
Muthupettai,
Thiruvarur District.
3. The Tahsildar,
Muthupettai Taluk,
Thiruvarur District.
4. The Inspector of Police,
Edaiyur Police Station,
Thiruthuraipoondi Taluk,
Thiruvarur District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to impugned order dated 11.07.2023 passed by the 2nd respondent bearing Na.Ka.No.346/Thu.Kaa.Ka.A/Order/2023 and quash the same as unconstitutional, illegal and in violation of principles of natural justice and consequently directing the respondents to permit the petitioner



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and others to conduct the hunger strike in a peaceful manner at Edaiyur Sangenthi on an early date.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent, dated 11.07.2023 and for a consequential direction to the respondents to permit the petitioner and others to conduct a hunger strike in a peaceful manner at Edaiyur Sangenthi road.

2. Heard Mr.S.Senthil, learned Counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondents.

3. The main grievance that has been urged by the learned Counsel for the petitioner is that the Sub-Inspector of Police attached to the fourth respondent Police Station had misused his office and had forcibly entered into the property and he also stood on the side of the wrong doers. In view of the same, the petitioner alleges that a Police Officer has interfered into a civil dispute that is already pending between the parties. In view of the



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same, the petitioner and villagers had organised a hunger strike to protest against the Police Officer. The representation that was made by the petitioner was rejected by the second respondent through the impugned proceedings, dated 11.07.2023. Aggrieved by the same, this Writ Petition has been filed before this Court.

4. It is seen from records that the dispute between the two parties is already a subject matter of investigation in Crime Nos.172 and 173 of 2022. Insofar as the interference of the Police Officer into a civil dispute is concerned, departmental action had already been initiated against him and the same is pending. The nature of grievance that has been expressed by the petitioner, does not really warrant conducting a hunger strike. It is a matter where action must be taken against the Police Officer if really he has interfered in a civil dispute. For that purpose, already departmental proceedings have been initiated. This Court does not find any apparent illegality in the rejection of the permission through the impugned proceedings, dated 11.07.2023. There is definitely a chance of some law and order problem from the other group and it should not be permitted since



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the case and counter are presently under investigation by the respondent Police.

5. The learned Additional Public Prosecutor on instructions submitted that the investigation is also completed and that a Final Report will be filed within a period of four weeks.

6. In the light of the above discussion, this Court is not inclined to interfere with the impugned proceedings of the second respondent in Na.Ka.No.346/Thu.Kaa.Ka.A/Order/2023, dated 11.07.2023. There shall be a direction to the fourth respondent to complete the investigation in Crime Nos.172 and 173 of 2022 and file the Final Report before the concerned jurisdictional Court within a period of four weeks from the date of receipt of a copy of this order. It goes without saying that the parties can agitate their grievance in the pending proceedings.

7. This Writ Petition is disposed off in the above terms. No costs.

24.07.2023



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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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To
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High Court of Madras.
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Thiruvarur District.
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N.ANAND VENKATESH, J.

grs

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