



W.P.No.24706 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24706 of 2023

S.R.Tamilselvan

.. Petitioner

Versus

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

2. The Deputy Superintendent of Police,
Nagapattinam Police Range,
Nagapattinam District.

3. The Inspector of Police,
Nagoor Police Station,
Nagapattinam District.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus for a direction to call for the records of the impugned order, dated 09.08.2023 in "Na.Ka.No.14/Naagai/Nagoor/2023" of the third 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 No/s:137/6B of Panangudi Village, Nagapattinam Taluk, Nagapattinam District, from the date stipulated by this Court onwards, subject to reasonable restrictions.

For Petitioner : Mr.M.Guruprasad



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

ORDER

This petition has been filed challenging the proceedings of the third respondent, dated 09.08.2023 and for a consequential direction to the respondent Police not to interfere with the sit-in protest held in a patta land.

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

3. The issue involved in the present Writ Petition is covered by the earlier orders passed by this Court seeking for similar relief. One such order is the order passed in W.P.No.19106 of 2022, dated 29.07.2022.

4. The learned Counsel for the petitioner submitted that the protest will not be extended insofar as the first demand is concerned since the matter is subjudice and the protest will be confined only to those demands in Serial Nos.2 to 10. The learned Counsel for the petitioner also brought to the notice of this Court the undertaking that is given by the petitioner at



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paragraph Nos.7 and 8 of the additional affidavit filed by the petitioner and for proper appreciation, the same are extracted hereunder:-

" 7. It is humbly submitted that being the Petitioner, I have no intention whatsoever to disobey or violate the Interim Order dated:05.08.2022 of this Hon'ble Court in W.A.No:1772 of 2022 in any manner. As the present Continuous Sit-in Protests ("Thodar Kathirippu Porattam") is going to be held in the District of Nagapattinam and being the Local Issue, the CPCL Expansion Issue was taken up as one of the 10 Agendas of the said Protest.

8. Thus, by this Additional Affidavit, I do hereby assure and undertake that when we are allowed to proceed with our present Continuous Sit-in Protests ("Thodar Kathirippu Porattam"), the CPCL Expansion Issue will not be taken up in the said Protest in strict compliance of the Interim Order dated:05.08.2022 of this Hon'ble Court in W.A.No:1772 of 2022."

5. In view of the above, the impugned proceedings of the third respondent in Na.Ka.No.14/Naagai/Nagoor/2023, dated 09.08.2023 is hereby quashed. The petitioner shall be permitted to carry on with the sit-in agitation in the patta land that has been identified and the respondent Police shall ensure that the petitioner does not cause any disturbance to the general public and the sit-in protest will be conducted by the petitioner and ample parking spaces, parking spaces, hygienic toilet facilities, drinking water,



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food facilities, waste managements will also be in place in the venue, where the continuous sit-in protest is proposed to be held.

6. This Writ Petition is allowed in the above terms. No costs.

25.08.2023

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

To

1. The Superintendent of Police,
Nagapattinam District Police Department,
Nagapattinam District.
2. The Deputy Superintendent of Police,
Nagapattinam Police Range,
Nagapattinam District.
3. The Inspector of Police,
Nagoor Police Station,
Nagapattinam District.
4. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.
grs

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