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W.P.No.26492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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MRB COVID Nurses Association,
Rep by its Authorized Signatory,
G.Udhayakumar .. Petitioner

Versus

The Commissioner of Police,
Office of the Commissioner of Police,
EVK Sampath Road, Vepery,
Chennai District. ..Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to permit the petitioner to conduct the peaceful fasting protest / hunger-strike from 11.09.2023 to 17.09.2023 and provide adequate Police protection as requested in the representation, dated 29.08.2023.

For Petitioner : Mr.S.Karthikeyan,
for Mr.Ali Hassan Khan

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



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ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondent to act upon the representation made by the petitioner association on 29.08.2023, wherein, the petitioner has sought for permission to conduct protest / hunger strike from 11.09.2023 to 17.09.2023 and to provide Police protection during the protest.

2. When the matter came up for hearing on 08.09.2023, this Court, taking into consideration the object behind the protest, directed the learned Additional Public Prosecutor to take instructions. This Court made it clear to the learned Counsel for the petitioner that this Court is not inclined to permit the protest for one week as requested by the petitioner and that this Court will allow the protest for a maximum of three days. Accordingly, this Court directed the learned Additional Public Prosecutor to take instructions.

3. The learned Additional Public Prosecutor, on instructions, submitted that from 13th to 18th of September, 2023, the venue namely Valluvar Kottam is not available due to some demonstration / procession to



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be conducted. Thereafter, Police will be completely occupied with the Vinayagar Chathurthi idol procession / immersion ceremony on 23rd and 24th of September, 2023. The learned Additional Public Prosecutor submitted that some date can be fixed thereafter and the learned Additional Public Prosecutor requested this Court to confine the number of days to two days considering the number of persons who are going to participate in the protest.

4. The learned Counsel for the petitioner, on instructions, submitted that a maximum of 1000 Nurses will participate in the protest from across the State. The learned Counsel submitted that the association must be permitted to express their protest since it involves the livelihood of the Nurses whose services were utilised by the State during the crucial Covid-19 pandemic and these Nurses had worked as front-line warriors by risking their lives against the deadly Corona virus.

5. Taking into consideration the facts and circumstances of the case and the object behind the protest, this Court is inclined to permit the petitioner association to conduct the protest from 25.09.2023 to 27.09.2023



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at Valluvar Kottam. The petitioner association shall ensure that the protest is conducted in a peaceful manner without giving raise to any law and order problem. The object of the protest must only be to express the grievance of the petitioner association. The respondent shall grant the permission and shall ensure that the protest does not give raise to any law and order problem and does not cause any inconvenience to the general public and for the free movement of the vehicles in and around the place of protest.

6. This Writ Petition is disposed off with the above directions. No costs.

11.09.2023

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

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
EVK Sampath Road, Vepery,
Chennai District.
2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.
grs

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