



WEB COPY

W.P. No.28251 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

W.P.No.28251 of 2023

M.Rajamuthu, MLA
Veerapandi Constituency
#5/19, Kattur, P.Nattamangalam Post,
Amani Kondalmpaty,
Salem District, Salem 606 010.

... Petitioner

-VS-

- 1.The Commissioner of Police,
No.5, Rajaji Kalai Mandaram,
Thongum Thottam, Brett's Road,
Salem, Tamil Nadu.
- 2.Assistant Commissioner of Police,
Anathanapati Saragam,
Salem Town Saragam, Salem City.

...Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in issuance of the order in proceedings in ref.Na.Ka.No.334/Ka.Vu.Aa/Se.Town Sa/Se.Ma./2023 dated 09.09.2023 and quash the same and thereby accord permission to conduct hunger protest/fast



from 10.00 AM to 5.00 PM in front of the Collectorate Office Salem on 27.09.2023.

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For Petitioner : Mr.S.R.Rajagopal,
Senior Counsel for
Mr.Praveennath

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who is a member of a political party, seeks permission to conduct hunger strike near the Collectorate Office, Salem on 27.09.2023. The said request was rejected by the District Administration on 09.09.2023, citing traffic issues and disturbance to the public. However, at the very same place, the members of the ruling party had conducted a meeting. Therefore, the petitioner alleging bias, has come before this Court seeking permission to conduct a hunger strike in the place, where the ruling party conducted hunger strike.

2. The learned Government Advocate (Crl.side) submits that the ruling party was permitted to conduct hunger strike near the Collectorate entrance,



thereafter, better wisdom has thrown to the administration and decided not to permit any meeting or gathering near the Collectorate Office, Salem, which causes hindrance to the general public, particularly ambulance and patients going to the Head Quarters Medical College. Also the learned Government Advocate submitted that subsequently when Iyarkai Vivasayigal Sangam sought permission for conducting meeting in the said place, the same was also rejected.

3. If the District Administration has learnt a lesson and realised that there should not be any congregation of persons in the name of protest or meeting near the Salem Collectorate, it should be an uniform decision. It cannot be selective or pick and choose. Therefore, there shall be a restraint order to the District Collector, Salem that henceforth no public meeting or gathering near District Collectorate be permitted which hinder the free flow of traffic leading to the Government Hospital.

4. As far as this petition is concerned, if any application made for conducting hunger strike near Kottai ground, the same may be positively considered. This order of restrain from permitting any party or organisation to



gather near the Collectorate Office, Salem in the name of any protest or meeting is to be scrupulously followed by the District Collector and the Superintendent of Police, Salem, if any violation is brought to notice of this Court, it shall be deemed to be a contempt and appropriate action will be taken in this regard.

5. With the above direction, this Writ Petition is disposed of. No costs.

09.10.2023

Internet : Yes/No

Index : Yes/No

rkp

Note: Issue order copy on 10.10.2023.

To

1.The District Collector, Salem.

2.The Commissioner of Police,
No.5, Rajaji Kalai Mandaram,
Thongum Thottam, Brett's Road,
Salem, Tamil Nadu.

3.Assistant Commissioner of Police,
Anathanapati Saragam,
Salem Town Saragam, Salem City.

4.The Public Prosecutor, Madras High Court,
Madras.



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Dr.G.JAYACHANDRAN, J.

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