



W.P.(MD)No.19681 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.08.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.19681 of 2023

P.Thangam

... Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District, Tenkasi.

2.The Deputy Superintendent of Police,
Puliangudi Sub Division,
Tenkasi District.

3.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

... Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents to permit the petitioner to conduct Hunger Strike near Gandhi Auditorium, Sivagiri, Tenkasi District, on 16.08.2023 to air their demands by using Mic, Loudspeaker etc., to prohibit the illegal sand mining and to supply drinking water properly to the general public in Sivagiri, Tenkasi District, by considering the petitioner's representation, dated 07.08.2023.

For Petitioner : Mr.K.Sankar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



WEB COPY



W.P.(MD)No.19681 of 2023

ORDER

This petition is filed under Article 226 of the Constitution of India seeking for a Mandamus to the respondent Police to consider the representation filed by the petitioner dated 07.08.2023 and permit the petitioner to conduct hunger strike in Gandhi Auditorium, Sivagiri, Tenkasi District, by using mike, public address system etc, to prohibit illegal sand mining and to supply drinking water properly to the general public to Sivagiri, Tenkasi District.

2. It is submitted by learned counsel for the petitioner that he is the President of a political party and there is no proper drinking water facility in Sivagiri Town of Tenkasi District, on account of illicit sand mining. All the wells which supplied drinking water to the people in that local have gone up on account of depletion of ground water level, thereby, sought for suitable directions.

3. The respondent Police have submitted that though they have no objection in respect of conducting the hunger strike, the many other persons similar to that of the petitioner would also approach the



W.P.(MD)No.19681 of 2023

Police and seek for granting permission similarly for staging hunger strike. It is submitted further that, once the petition filed by the petitioner for granting permission to conduct hunger strike on 16.08.2023 has already been expired, in case, if the petitioner approaches the respondent Police again, the respondent Police would consider the request of the petitioner, if the place and time where the petitioner intends to conduct hunger strike is conducive and will not create other law and order problem and other similar issues.

4. Considering the submissions made above by both sides and since protesting democratically by way of hunger strike without causing any inconvenience to anybody is the right guaranteed by the Constitution of India, the very fact that the petitioner is approaching the Police with the request to permit him to conduct hunger strike demonstrates that the petitioner is intending to follow due process in lodging the protest in respect of the alleged illegal mining. Without going into the details as to whether the petitioner is justified in making hunger strike, since the petitioner intention is to conduct the hunger strike in peaceful manner, the same can be considered. However the



W.P.(MD)No.19681 of 2023

respondent Police are at liberty to take a call in granting the permission in respect of the venue of hunger strike, number of persons to be participated and other connected issues.

5. In view of the submissions made by both sides and considering the records, this writ petition is disposed of, directing the petitioner to approach the respondent Police and file an application afresh after giving all the details in respect of the proposed hunger strike and on filing of such application, the respondent Police are directed to consider the same and dispose of as quickly as possible and if the situation is conducive for staging the hunger strike, the permission may be granted by imposing suitable conditions. No costs.

31.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
tsg



W.P.(MD)No.19681 of 2023

WEB COPY

To

- 1.The Superintendent of Police,
Tenkasi District, Tenkasi.
- 2.The Deputy Superintendent of Police,
Puliangudi Sub Division,
Tenkasi District.
- 3.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



W.P.(MD)No.19681 of 2023

DR.D.NAGARJUN,J

tsg

W.P.(MD)No.19681 of 2023

Dated : 31.08.2023