



W.P(MD)No.24075 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.24075 of 2023

G.Chitra Devi

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District – 627 002.

2.The Deputy Superintendent of Police,
Ambasamudram,
Tirunelveli District.

3.The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli 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 1 to 3 to grant permission to the petitioner to observe fasting nearby Overhead Water Tank in 8th ward from 10.00 a.m. to 05.00 p.m. on 06.10.2023 and to provide adequate police protection to the petitioner's fasting agitation based on the petitioner's representation, dated 23.09.2023.



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For Petitioner : Mr.Aayiram K.Selvakumar
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The writ petitioner filed this Petition for issuance of Writ of Mandamus, directing the respondents 1 to 3 to grant permission to the petitioner to observe fasting nearby Overhead Water Tank in 8th ward from 10.00 a.m. to 05.00 p.m. on 06.10.2023 and to provide adequate police protection to the petitioner's fasting agitation based on the petitioner's representation, dated 23.09.2023.

2.Mr.R.M.Anbunithi, learned Additional Public Prosecutor takes notice for the respondents.

3.Heard learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4.The learned counsel for the petitioner submitted that the the petitioner being a Municipal Councilor of 8th Ward, she received complaints from her Ward people. She wants to place the issues before the Municipal Administration. Since the grievances of public, which



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were placed before the concerned authorities of Municipal Administration were not considered and settled, she wants to brought to the notice of the Municipal Administration to the above said issues, she planned the above said fasting protest. Therefore, the petitioner has given her representation seeking permission and police protection to observe fasting. Earlier, it was rejected by the respondent police. On the next day she again given representation. The petitioner now proposed to observe fasting on 06.10.2023. Since the same was not considered till now, the petitioner has come forward with this petition.

5.It is a democratic right of the petitioner to raise protest against the functionary of the Municipal Corporation. However, citing the law and order problem, the representation made by the petitioner seeking permission and police protection to her fasting agitation, was rejected on 22.09.2023. On the next day of the above said rejection, another representation was made by the petitioner on 23.09.2023. It is stated to be pending.

6.Let the above said representation be favourably considered by the third respondent. If any law and order problem is created, it is the



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duty of the third respondent to take care of the same. The petitioner shall also file an undertaking affidavit ensuring that there will be no law and order problem created on that day and the public peace will be maintained. The third respondent shall impose necessary conditions upon the petitioner as it deems fit and necessary as the situation demands. On the basis of the undertaking given by the petitioner, the representation shall be considered favourably, within a period of one week.

7. With the above said directions, this writ petition stands disposed of.

05.10.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
TM

To

1. The Superintendent of Police,
Tirunelveli District – 627 002.
2. The Deputy Superintendent of Police,
Ambasamudram,
Tirunelveli District.



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3.The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

TM

Order made in
W.P(MD)No.24075 of 2023

Dated : 05.10.2023