



W.P.(MD) No.26334 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.P.(MD)No.26334 of 2023
and
W.M.P(MD) No.22669 of 2023

Jagatheesh.P

...Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.

3. The Inspector of Police,
Kalugumalai,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection passed in his proceedings in Na.Ka.No. 3/Ka.AA/Ka.Kaa.Ni/2023, dated 18.10.2023 and quash the same as illegal and arbitrary and consequently direct the respondents to grant permission to conduct the Dharna and Protest against Kalugumalai Town



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Panchayat in a peaceful manner near by Gandhi Ground, Kalugumalai on 05.11.2023 for the following among other facts and circumstances of the case.

For Petitioner :Mr.G.Thalaimuthurasu

For Respondent :Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)

ORDER

This Writ Petition is filed to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection passed in his proceedings in Na.Ka.No.3/Ka.AA/Ka.Kaa.Ni/2023, dated 18.10.2023 and quash the same as illegal and arbitrary and consequently direct the respondents to grant permission to conduct the Dharna and Protest against Kalugumalai Town Panchayat in a peaceful manner near by Gandhi Ground, Kalugumalai on 05.11.2023 for the following among other facts and circumstances of the case.

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

3.Heard both sides.



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4. The petitioner is the President of Bharatiya Janata Party, Kayathar West Union. He submitted a representation to conduct hunger strike on 22.10.2023 to the jurisdictional authority. But, the jurisdictional authority rejected the same, by the impugned order, dated 18.10.2023. Challenging the same, the petitioner filed this Writ Petition before this Court.

5. This Writ Petition came up for admission on 03.11.2023. This Court directed the learned Additional Public Prosecutor to get instruction in this regard. The learned Additional Public Prosecutor on getting instruction, requested this Court to submit a fresh representation on the side of the petitioner. Hence, this petitioner submitted the fresh representation with proposed date to conduct the hunger strike on 19.11.2023.

5. In the affidavit of the petitioner, it is stated that they proposed to conduct the hunger strike on 19.11.2023. According to the learned Additional Public Prosecutor, on instruction, on 19.11.2023, Soora Samharam Festival is going to be conducted. Hence, instead of 19.11.2023, the Law Enforcing Authority suggested the date that



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26.11.2023 is convenient to give the permission to conduct the hunger strike.

6. Recording the said submissions, **this Court is inclined to allow this Writ Petition** on following directions:

(i) The second respondent is directed to give suitable permission to the petitioner to conduct the hunger strike on 26.11.2023 from 10.00 a.m., to 5.00 p.m.

(ii) The organizers namely the petitioner and other persons shall file an affidavit of undertaking that they should not make any derogatory words against the political parties, community leaders, etc.

(iii) The organizers shall arrange the seats to the participants without disturbance to the public as instructed by the Law Enforcing Authority.

(iv) The organizers further undertake to make payment of any damage, if any, caused to the public and public properties in the event of any untoward incident.

(v) It is open to the organizers to approach the competent authorities to erect the flex boards.



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8. With the above said directions, this writ petition stands allowed and the rejection order that has been passed by the third respondent dated 18.10.2023, is hereby set aside. Consequently, the connected Miscellaneous Petition is closed. No costs.

06.11.2023

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

Indu

To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.
3. The Inspector of Police,
Kalugumalai,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J

Indu

Order made in
W.P(MD)No.26334 of 2023

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