



WEB COPY



W.P.No.21453 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.21453 of 2024
& W.M.P.No.23419 of 2024

M.Balasubramanian

... Petitioner

/versus/

1. The Superintendent of Police,
Namakkal District.

2. The Inspector of Police,
Rasipuram Police Station,
Rasipuram Taluk,
Namakkal District.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na.Ka.177/Ka.Nee/Rasipuram dated 23.07.2024 and to quash the same and consequently direct the 2nd respondent to permit the petitioner to conduct fasting on 31.07.2024 at Rasipuram Town Bus Stand, Rasipuram, Namakkal District.

For Petitioner : Mr.D.Selvam,
for Mr.N.Inbanathan

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

The petitioner herein is a Member of political party has sought permission from the respondent police for hunger strike near Rasipuram Bus Stand, Namakkal District, on 24.07.2024 between 8.00 a.m to 5.00 p.m. The said request was rejected on the ground that there is Promulgation Order under Section 30(2) of Police Act, 1861 and the place where the petitioner proposed to have hunger strike is congested place where public used to congregate in few numbers and it may cause hindrance to the bus traffic, since it is very near to bus stand.

2. The Learned Counsel for the petitioner submits that it is a All Party Hunger strike proposed to be conducted protesting the shifting of present bus stand. The place which has been chosen by the Organisers is the place where all other public meetings and protest been conducted. Only for this petitioner, the police has refused to grant permission citing traffic and hindrance to public. Some of the photographs enclosed to show that in the very same place, the police has permitted for public meeting.



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3. The Learned Government Advocate (Crl.Side) for the

respondent states that on instruction submits that those public meetings are for few hours and not for whole day. Furthermore, the said place can accommodate only 75 to 100 persons, whereas, the petitioner and the political party which has organised the hunger strike expecting more than 300 persons to participate in the hunger protest and therefore, if the alternative place is suggested, the police is ready to grant permission.

4. This Court, after considering the above submissions and the photograph enclosed finds that the place where the earlier meeting and protest conducted appears to be sufficient to accommodate 200 to 300 persons. If others were able to conduct their meetings without causing any hindrance to the traffic, why not the petitioner do the same. Therefore, the reasons stated by the Inspector of Police, Rasipuram Police Station, Namakkal District rejecting the request to grant permission appears to be malafide.

5. Hence, this Writ Petition is allowed. The respondent police shall



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permit the petitioner herein to have hunger strike in the place near the Bus stand, Rasipuram, on condition that they will not cause any disturbance to the public or movement of traffic. Connected Miscellaneous Petition closed.

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Index : Yes/No.

Neutral Citation : Yes/No.

bsm

Copy to:-

1. The Superintendent of Police, Namakkal District.
2. The Inspector of Police, Rasipuram Police Station, Rasipuram Taluk, Namakkal District.
3. The Public Prosecutor, High Court, Madras.

Issue today



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Dr.G.JAYACHANDRAN,J.

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