



W.P.No.35697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.35697 of 2024

P.Senthil

... Petitioner

versus

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

2.The Deputy Superintendent of Police,
Ulundurpet Sub Division,
Ulundurpet.

3.The Inspector of Police,
Ulundurpet Police Station,
Ulundurpet.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the second respondent through his proceedings in 290/Camp/U.P/2024, dated 17.08.2024 and quash the same as illegal and consequently direct the respondents to grant permission or any other date for one day Non-Violent Hunger Strike.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

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ORDER

Heard the learned counsel on either side and perused the materials available on record.

2.The petitioner, who claims to be the General Secretary of the Akhila Bharatha Hindu Mahasabha, has been actively involved in recovering encroached lands across the state and restoring them to the respective temples. According to the petitioner, he has successfully recovered several acres of temple properties from anti-social elements. The grievance of the petitioner is that certain anti-social elements have encroached upon the premises of the Subramaniasamy Temple, are running shops without the necessary permissions from the appropriate authorities, and have illegally changed the patta (title deed) in the name of individuals and groups. In this regard, the petitioner decided to hold a peaceful hunger strike protest from 9:00 AM to 6:00 PM opposite the Taluk Office, Ulundurpet, to demand action against those involved in illegal patta transfers and encroachments on temple properties. On 14.08.2024, the petitioner submitted a representation for permission to conduct this non-violent protest to the third respondent. However, the said representation was rejected by the second respondent on 17.08.2024. Challenging the order dated

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17.08.2024 and seeking a direction to the respondents to grant permission for conducting a one-day non-violent hunger strike, the petitioner has filed this writ petition.

3. It is to be noted that hunger strikes are not legally permissible as a form of protest. There is no legal provision supporting hunger strikes, as they involve self-inflicted harm, which is contrary to public policy. However, the petitioner is permitted to conduct a protest in a peaceful manner. Therefore, the petitioner is directed to make a fresh representation to the first respondent-Police, specifying the date, time, and place of the protest. Upon receiving such a representation, the respondent-Police is directed to grant permission to the petitioner, after ensuring that no legal or law and order issues arise. It is made clear that the petitioner is directed to conduct the protest peacefully, without engaging in any unlawful activities. The petitioner should refrain from initiating violence during the protest and should cooperate with the police to ensure that there is no law and order issue. Furthermore, the petitioner is prohibited from making defamatory statements against any political parties. The organizers are also not allowed to erect digital banners or pla-cards on the arterial roads, platforms, walkways, major roads, or any other public roads. The jurisdictional police shall take necessary action if there is any violation of law and order or if any law and order problem arises.

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4. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

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To
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P.VELMURUGAN, J.

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