



WEB COPY



W.P.No.37283 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.37283 of 2024

D.Maheshkumar

... Petitioner

Vs.

1. The Deputy Superintendent of Police
Kangayam Sub Division
Tiruppur District

2. The Inspector of Police
Kangayam Taluk Police Station
Tiruppur District

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 25.11.2024 made in C.No.194/SDO-KGM/MIKE/2024 passed by the 1st respondent, quash the same and consequently direct the 1st respondent to grant permission to conduct demonstration/protest/fasting for one day, in front of Panchayat Union Office, Kangayam or other alternative place in public view.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor



W.P.No.37283 of 2024

ORDER

WEB COPY

This Writ Petition has been filed to quash the order passed by the 1st respondent in C.No.194/SDO-KGM/MIKE/2024 dated 25.11.2024 and for consequential direction to the 1st respondent to grant permission to conduct demonstration/protest/fasting for one day, in front of Panchayat Union Office, Kangayam or other alternative place in public view.

2. The petitioner, who is the Chairman of the Kangayam Panchayat Union, had given a representation dated 11.11.2024 to the 1st respondent, seeking permission to conduct one day fasting/hunger strike in front of the Panchayat Union Office on 27.11.2024. The said request was rejected by the 1st respondent by impugned order dated 25.11.2024. Hence, the present petition is filed.

3. Heard both sides and perused the materials available on record.

4. 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.



W.P.No.37283 of 2024

However, the petitioner is permitted to conduct a protest in a peaceful manner.

5. Accordingly, the petitioner is directed to make a fresh representation to the 1st 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 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 co-operate 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.

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



WEB COPY



W.P.No.37283 of 2024

09.12.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ksa-2



W.P.No.37283 of 2024

To

WEB COPY

1. The Deputy Superintendent of Police
Kangayam Sub Division
Tiruppur District
2. The Inspector of Police
Kangayam Taluk Police Station
Tiruppur District
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.37283 of 2024

P.VELMURUGAN, J
ksa-2

W.P.No.37283 of 2024

09.12.2024