



W.P.(MD)No.9887 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.9887 of 2024
and W.M.P.(MD)No.8967 of 2024

K.Sathaiya

... Petitioner

Vs.

1.The Assistant Election Officer/
Assistant Commissioner (Excise),
Thirumayam Constituency,
Thirumayam,
Pudukottai District.

2.The Superintendent of Police,
Pudukottai District, Pudukottai.

3.The Inspector of Police,
K.Pudupatti Circle,
Pudukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order in Na.Ka.2554/2024/E dated 03.04.2024 on the file of the first respondent and quash the same as illegal and consequently direct the respondents to grant permission to conduct the one day hunger strike on 25.04.2024 or on any other date from 09.00 am., to 03.00 pm., at Drama Stage, Senkeerai Village against the gazette notification dated 26.05.1995 which states that the land in Survey No.259/9 does not belong to Senkeerai Panchayat, within the time framed by this Court.



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W.P.(MD)No.9887 of 2024

For Petitioner : Mr.T.Thirumurugan
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

This writ petition has been filed to quash the impugned order in Na.Ka.2554/2024/E dated 03.04.2024 passed by the first respondent and to direct the respondents to grant permission to conduct the one day hunger strike on 25.04.2024 or on any other date from 09.00 am., to 03.00 pm., at Drama Stage, Senkeerai Village against the gazette notification dated 26.05.1995 which states that the land in Survey No.259/9 does not belong to Senkeerai Panchayat.

2.The learned counsel appearing for the petitioner submits that the petitioner's villagers, aggrieved over the transferring of land in Survey No. 259/9 to another village, had made a request to conduct hunger strike and the same was rejected by the impugned order, by referring the election model code of conduct. He further submits that the election is over and results have been declared and therefore, there cannot be any impediment for the respondents to consider the request of the petitioner.



W.P.(MD)No.9887 of 2024

WEB COPY

3.The learned Additional Public Prosecutor appearing for the respondents submits that the date, on which they have sought for permission, is already over.

4.This Court considered the rival submissions made on either side.

5.The petitioner is having a democratic right to perform the hunger strike. The earlier request of the petitioner was rejected only on the ground of election model code of conduct. Now, the election is over. Therefore, this writ petition is allowed with a direction to the petitioner to file a fresh application, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall take positive decision, within a further period of two weeks, thereafter. No costs. Consequently, connected miscellaneous petition is closed.

19.06.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

gns



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W.P.(MD)No.9887 of 2024

B.PUGALENDHI,J

gns

To

- 1.The Assistant Election Officer/
Assistant Commissioner (Excise),
Thirumayam Constituency,
Thirumayam,
Pudukottai District.
- 2.The Superintendent of Police,
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- 3.The Inspector of Police,
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