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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.34716 of 2023

G.Bhagavath Singh
S/o.Gurusamy

... Petitioner

Vs.

The Commissioner of Police,
Chennai City, Vepery,
Chennai.

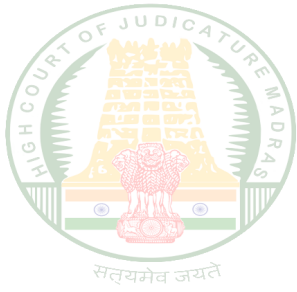
... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records regarding the rejection order dated 31.10.2023 in No.865/Tha.Pi.2/E.Ko.102/2023 to quash the same and to direct the respondent to grant permission to conduct indefinite fast at Collector office, Chennai or a place near the Thiruvalluvar Statue on the Marina Beach, from 20.12.2023 or from any other date convenient to the petitioner along with others demanding the Central Government to send the proposal made by the Tamil Nadu Government dated 07.12.2006 for getting the consent of the President of India regarding the use of Tamil language in the proceedings of High Courts in Tamil Nadu in the light of Article 348(2) of the Constitution of India, 1950 and Section 7 of the Official Languages Act, 1963 and to desist from unnecessarily sending the file to the Hon'ble Chief Justice of India for consultation or any other arbitrary route other than the said Constitutional/Legal one.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.A.Gopinath

Government Advocate [Crl.side]



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ORDER

This writ petition has been filed challenging the order passed by the respondent through proceedings dated 31.10.2023 and for a consequential direction to the respondent to grant permission to conduct indefinite fasting.

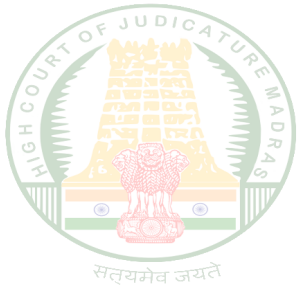
2. Heard Mr.R.Sankarasubbu, learned counsel for petitioner and Mr.A.Gopinath, learned Government Advocate [Crl.side] appearing for respondent.

3. When the matter came up for hearing on 10.01.2024, this Court passed the following order:

"The learned counsel for the petitioner submitted that the petitioner wanted to protest by way of hunger strike to enforce Tamil as the official language of the High Court, Madras. The petitioner had made a representation to grant permission to conduct the fast near the Collector Office, Chennai or any place near the Thiruvallur Statue in the Marina Beach.

2. The learned counsel for the petitioner on instructions submitted that the petitioner is not insisting that the permission must be given near Marina Beach and any other place can be identified.

3. The learned Government Advocate (Crl.side) seeks for some time to take instructions and report before this Court.



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4. Post the writ petition under the caption "for orders" on 22.01.2024."

4. The matter was thereafter posted for hearing on 01.02.2024 and this Court passed the following order:

"The learned Additional Public Prosecutor submitted that on 21.02.2024, the hunger strike can be conducted at Valluvar Kottam. For this purpose, the petitioner must be directed to give a representation to the Commissioner of Police.

2. Mr.Sankara Subbu, learned counsel for the petitioner insisted that it is going to be an indefinite hunger strike and therefore granting permission for a day will not meet the requirements.

3. The learned counsel submitted that the venue can either be fixed at Valluvar Kottam or at Government Guest House, Chepauk.

4. The learned Additional Public Prosecutor seeks for time to get instructions in this regard.

5. Post this case under the same caption 'for further orders' on 07.02.2024."

5. The case was again listed on 07.02.2024 and this Court passed the following order:

"When the matter was taken up for hearing, the learned Additional Public Prosecutor on instructions submitted that the petitioner can consider choosing the venue near the Rajarathinam Stadium at Marshalls Road.

2. The learned counsel for the petitioner submitted that the protest will start from 28.02.2024 onwards.



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3. The learned Additional Public Prosecutor submitted that earlier the petitioner wanted the protest to commence from 21.02.2024 and if there is postponement of the protest, he will take appropriate instructions and report before this Court.

4. Post this case under the same caption 'for further orders' on 09.02.2024."

6. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that the venue near the Rajarathinam Stadium is available on 28.02.2024. However, learned Additional Public Prosecutor submitted that the indefinite fasting cannot go on endlessly and that the participants must ensure that they do not cause any law and order problem and they do not cause disturbance to the free movement of the general public and vehicles.

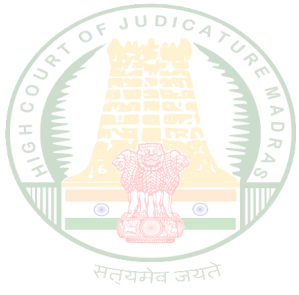
7. Learned counsel for petitioner submitted that the fasting itself has been mooted to make Tamil as an official language in the High Court of Judicature at Madras. Therefore, considering the object behind the protest, there is no scope for any law and order problem in this case. Learned counsel further submitted that about 25 persons will participate in the indefinite fasting. Learned counsel further submitted that any reasonable condition can be imposed by this Court.



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8. In the light of the above submissions, this Court is inclined to direct the respondent to grant permission to the petitioner to conduct the indefinite fasting in the venue chosen near Rajarathinam stadium from 28.02.2024. The petitioner wants to express himself strongly demanding Tamil to be used as official language in the proceedings in the High Court. There is nothing illegal in this objective. Hence, permission can be granted subject to the following conditions:

- (a) The petitioner is directed to give an undertaking that he would not initiate violence while organising meetings in connection with his indefinite fasting and he should co-operate with the police to ensure law and order;
- (b) The petitioner should furnish the names and address of other members of his organisation, in case they are associating with the petitioner by joining the indefinite fasting;
- (c) In case any of the leaders supporting the cause wanted to speak by arranging meeting near the venue of fasting, prior intimation should be given to the jurisdictional police including details of persons and permission should be taken.
- (d) The vehicles should not be parked near the venue.



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N.ANAND VENKATESH, J.
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(e) It is open to the Commissioner of Police to impose any other reasonable conditions to ensure law and order required in law.

(f) The first respondent is given liberty to take appropriate action against anyone for any illegal activity under the guise of supporting the cause of petitioner in and around the venue which is likely to disrupt peace.

9. This writ petition is disposed of in the above terms. No costs.

Post this writ petition under the caption 'for reporting compliance'
on 06.03.2024.

09.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Commissioner of Police,
Chennai City, Vepery,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

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