

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.7214 of 2015

and

WP.No.5515 of 2015

and

MP.Nos.1,2 of 2015

Selvam P

...Petitioner in both petitions

Vs

The State rep by
The Inspector of Police,
Poombuhar,
Nagapattinam District

...Respondent in Crl.OP.No.7214 of 2015

1.The District Collector,
Nagapattinam District,
Collectorate, Nagapattinam.

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

3.The Inspector of Police,
Poempuhar Police Station,
Poempuhar, Sirkazhi Taluk,
Nagapattinam District.

... Respondents

in WP.No.5515 of 2015

Prayer in Crl.OP.No.7214 of 2015 : Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to file the First Information Report on the basis of the aforesaid complaint dated 09.03.2015 given by the petitioner and speed the investigation.

Prayer in WP.No.5515 of 2015 : Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to protect the petitioner life and limb and free profession and worship and also to take necessary action

against the illegal Katta Panchayat in the petitioner's village.

For Petitioner : Mr.S.Manoharan
in both petitions

For Respondents : Mr.C.Emalias,
in both petitions Addl. Public Prosecutor

C O M M O N O R D E R

Heard Mr.Manoharan, learned counsel for the petitioner and perused the materials placed on record.

2. Mr.B.Murugesan, Inspector of Police, Thiruvankadu Police Station, [in charge] Poombuhar Police Station, Nagapattinam District has filed a Status Report, wherein, it is stated as follows:

"2. I submit that the brief gist of the case is as follows:

The case of the prosecution is that Tr.Selvam-complainant belongs to Hindu fisherman religion by birth and converted as a Christian and worshipping the Jesus nowadays. While so, 10 persons under the leadership of one Moorthy is preventing the complainant to go to church and he was not allow to go to sea for fishing and not permitted to sell the fish. It is also alleged in the complaint that the Panchayat Village people under the leadership of Moorthy convinced a panchayat and ostricised 5 families including the petitioner's family.

Aggrieved over the same, the petitioner made representations to The District Collector, Nagapattinam, The Superintendent of Police, Nagapattinam District and also filed this present petition.

In pursuant to the receipt of the complaint, the Sub Inspector of Police assigned CSR.No.26 of 2015 dated 12.02.2015 and requested the Tahsildar, Sirkazhi Taluk, to call both parties and hold peace talks. The Tahsildar and Executive Magistrate after serving notice to the petitioner and others as 'A' Party and Moorthy and others as 'B' Party for peace talks on 24.02.2015 at 4p.m.

On 24.02.2015, both parties attended the peace talks, and resolution which was agreed by both the sides; signed the minutes in the presence of the Tahsildar, Sirkazhi in which the petitioner is permitted to go for fishing and to sell the fish.

3. I submit that the petitioner herein made a representation before the Sub Collector, Mayiladuthurai, stating that he was not allowed by Moorthy and others to go for fishing and to sell the same. Hence, the Sub Collector conducted a peace talk on 06.03.2015 at 3p.m., and passed a resolution in which both parties agreed the resolution passed by the Sub Collector, Mayiladuthurai.

4. I submit that but, both parties violated the resolution passed by the said Tahsildar as well as Sub Collector, Mayiladuthurai, hence, a case in Poompuhar Police Station Crime No.114 of 2015 under section 294[b], 352, 427 IPC was registered by Tr.Kalaimani, the Sub Inspector of Police on 23.03.2015 at 21.30 hrs and taken up the investigation.

5. I submit that in order to avoid any untoward incidents in that area, the respondent police registered a case in Poompuhar PS., in Crime No. 93 of 2015 under section 107 IPC on 10.03.2015 and both the parties were called upon to execute bond for value of Rs.10,000/- and accordingly, on 20.03.2015 both the parties executed the bonds.

6. I submit that since there has been peace amongst both sides and both the community people have been worshipping in their respective religious places of worship and carrying on trade peacefully, without any restriction or condition imposed by one party on the other. The respondent police is also keeping vigil in the hamlet and will ensure peace and public tranquility in the village.

[i] Moreover, the Superintendent of Police, Nagapattinam District and the Deputy Superintendent of Police, Sirkazhi Sub Division and the respondent police are constantly take note of the happenings in the seashore. There is no report of preventing the Christian fisherman from fishing or selling the fish after the Revenue Divisional Officer enquiry.

[ii] If anything will occur, the District Administration will take it very seriously and do all the needful help to the petitioner and others i.e. Christian Fisherman."

3. From the above, it is seen that the Superintendent of Police and the District Collector are seized of the matter.

4. Under such circumstances, this Court directs the District Administration to deal with this sensitive issue, so that peace prevails in the area and the aggrieved fishermen belonging to Christian faith are not subjected to any discrimination.

With the above direction, this petition is closed.
Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Nagapattinam District.

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

3.The Inspector of Police,
Poompuhar Police Station,
Sirkazhi Taluk,
Nagapattinam District.

4.The Public Prosecutor,
High Court, Madras.

5.The Superintendent of Police,
Nagapattinam District.

6.The Deputy Superintendent of Police,
Sirkazhi Sub Division,
Nagapattinam.

7.The District Administration,
Nagapattinam.

1 CC to Mr.S.Manoharan, Advocate SR.No. 46496

CRL.OP.No.7214 of 2015
and
WP.No.5515 of 2015

SKV (CO)
PSI (02.09.2015)