



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Crl.O.P (MD) No.5601 of 2015

and

M.P. (MD) No.1 of 2015

K.Subramanian

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Tahsildar,
Devakottai, Sivagangai District.

4.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai, Sivagangai District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C praying to direct the respondent police to give police protection on the eve of Kappukattu Thiruvizha to be held on 28.04.2015 and Mulaippaari Kalaithal Thiruvizha to be held on 6.5.2015 at Sri Balamariamman Temple, Manamboo Vayal Village, Devakottai Taluk, Sivagangai district and pass such further or other orders as this Court deems fit and proper in the circumstances of the case.

For Petitioner : Mr.C.M.Mari Chelliah Prabhu

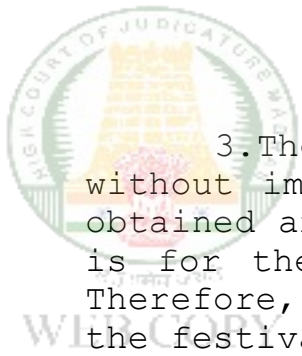
For R1 to R4 : Mr.K.Anbarasan, Government Advocate

For Intervenor : Mr.S.Gokulraj

O R D E R

This petition has been filed under Section 482 of Cr.P.C seeking a direction to the respondent police to give police protection on the eve of Kappukattu Thiruvizha to be held on 28.04.2015 and Mulaippaari Kalaithal Thiruvizha to be held on 06.05.2015 at Sri Balamariamman Temple, Manamboo Vayal Village, Devakottai Taluk, Sivagangai District.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. side) appearing for the respondents 1 to 4 and the learned counsel appearing for the intervenor.



3.The learned counsel for the petitioner submitted that without impleading him as a party respondent, the intervenor has obtained an order from this Court by not placing correct facts. It is for the petitioner who represents majority of the villagers. Therefore, he seeks a direction for police protection to conduct the festival.

4.The learned counsel appearing for the intervenor submitted that festival has already been conducted and concluded and he made reliance upon the Peace Committee Meeting held on 16.03.2012.

5. A perusal of the order passed by this Court in CrI.M.P.No.5092 of 2015 dated 19.03.2015 would show that admittedly the petitioner in the present petition has not been heard. It appears that the order has been passed based on the submission made by the learned counsel appearing for the intervenor in this application. The Peace Committee Meeting dated 16.03.2012 was followed by another meeting held on 13.03.2015. The intervenor has already conducted the festival in pursuant to the order passed by this Court. Therefore, this Court is of the view that no prejudice would be caused by allowing the petitioner also to conduct the festival as sought for. The intervenor cannot said to have been aggrieved by the said act.

6. Accordingly, this petition is allowed. The respondent police is directed to give adequate police protection for the conduct of the function to be held on 28.04.2015 and 6.5.2015. However, the order passed in this petition is only applicable to this year alone. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,Sivagangai.
 - 2.The Revenue Divisional Officer,Devakottai,
Sivagangai District.
 - 3.The Tahsildar,Devakottai,Sivagangai District.
 - 4.The Inspector of Police,Devakottai Taluk Police
Station,Devakottai,Sivagangai District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to Mr.C.M.Mari Chelliah Prabhu, Advocate, in SR. No.18325.