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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P. (MD) No.15932 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

K.Pandiyarajan

... Petitioner

Vs.

1.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

2.The Sub Inspector of Police,
R.S.Mangalam Police Station,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the order passed by the 1st respondent dated 18.08.2015 under Section 111 of Cr.P.C.and quash the same.

For Petitioner	: Mr.V.K.Saravanan
For Respondents	: Mr.S.Chandrasekar, Government Advocate

ORDER

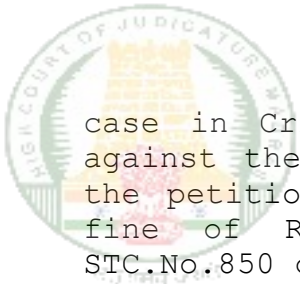
The petitioner has come forward with the present Writ petition to issue a Writ of Certiorari to call for the records relating to the order dated 18.08.2015 passed by the the 1st respondent and to quash the same.

2.It is stated that the petitioner was not present at the time of alleged occurrence as stated in Crime No.113 of 2015 filed under Section 107 Cr.P.C. and he is an innocent person.

3.The respondents filed a detailed counter, stating that the petitioner was found chatting loudly with various persons and planed to provoke communal enmity between Thevar and Adi Dravida community of that area on eve of celebration of Imanuel Guru Pooja celebration and the rally and hence, the present case has been registered.

4.It is further submitted that on 17.03.2014 the petitioner along with others under the leadership of one Ganesa Thevar were found propagating communal aversion towards other community persons and acted in a manner, which was prejudicial to the maintenance of peace. Hence, a case was registered in Crime No.39 of 2014 under Section 107 Cr.P.C.for taking action against the petitioner and others to ensure maintenance of peace. By an order dated 28.08.2014, in M.C.No.A3/8620/14, the petitioner executed a bond for a sum of Rs.10,000/- with two sureties for keeping peace for a period of one year.

5.Further it is stated that on 01.04.2014 the petitioner has violated the code of conduct of Parliament Election, 2014 and hence, a



case in Crime No.57 of 2014 under Section 188 of IPC was registered against the petitioner. A charge sheet was laid on 08.05.2014 against the petitioner and the petitioner was convicted and sentenced to pay a fine of Rs.250/- before the Judicial Magistrate, Thiruvadanai in STC.No.850 of 2014.

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6.Again on 18.08.2015 for committing breach of peace during Immanuel Guru Pooja celebration a case in Crime No.113 of 2015 under Section 107 Cr.P.C.was filed. Based on that, the 1st respondent issue notice to the petitioner on 04.09.2015. The petitioner executed a bond for Rs.50,000/- without sureties for keeping peace for one year in M.C.No.4 of 2015.

7.Further it is stated by the respondents that on 16.08.2015 a case in Crime No.113 of 2015 under Section 107 Cr.P.C.has been filed for keeping peace during Immanuel Guru Pooja celebration. Accordingly, a notice under Section 111 of Cr.P.C.was issued by the Tahsildar, Thiruvadanai to the petitioner. Thereafter, the petitioner executed a bond for Rs.50,000/- for keeping peace for a period of one year in MC.No.4 of 2015 on 04.09.2015. Hence, the respondent prayed for dismissal of the Writ petition.

8.I have considered the rival submissions made by both sides and also perused the typed set of papers.

9.Admittedly, a summons dated 18.08.2015 under Section 111 of Cr.P.C.was issued, wherein it has been stated that the petitioner was directed to appear before Tahsildar on 21.08.2015 at 11.00 am for submitting his explanation as to why an action shall not be initiated under Section 107 Cr.P.C. In pursuant to the same, a final order has been passed and the petitioner has executed a bond for Rs.50,000/- for a period of one year in M.C.No.4 of 2015, dated 04.09.2015. Nothing survives in this Writ petition. Hence, the Writ petition is dismissed as infructuous. No costs. Consequently, connected M.Ps.are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

2.The Sub Inspector of Police,
R.S.Mangalam Police Station,
Thiruvadanai Taluk, Ramanathapuram District.

+1cc to The Special Government Pleader, Madurai. SR.No.60437

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