



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.02.2016

CORAM
THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WEB COPY

W.P.(MD)No.14118 of 2011
and
M.P.(MD).No.1 of 2011

S.Sankar

... Petitioner

Vs.

1. State represented by
the Superintendent of Police,
Pudukottai,
Pudukottai District.

2. The Inspector of Police,
Town Police Station,
Pudukottai,
Pudukottai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to remove the petitioner's name from the rowdy list displayed in the Notice Board by the second respondent police and various public places in Pudukottai District.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.D.Muruganantham

Addl. Government Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to remove the petitioner's name from the rowdy list displayed in the Notice Board by the second respondent and various public places in Pudukottai District.

2. According to the petitioner, he is involved in social activities in order to help the poor people for their medical and marriage expenses. At the time of helping the poor people, some times, the petitioner raised agitations against the Government Officials and Police peoples, who have refused to discharge their duties. Due to the above said motivation, in the year 2006, one false case has been registered against him and the case was acquitted in S.C.No.53 of 2011 on the file of Fast Track Court, Pudukottai and there is no appeal against the order. Thereafter, on 29.11.2011, his name was included in the rowdy list without any basis and the second respondent fixed the flex board in various public places in Pudukottai District with photos under the heading of 'Rowdy List'. Therefore, the petitioner has come forward with the present writ petition.



3. The learned Additional Government Pleader appearing for the second respondent filed a counter affidavit stating that the petitioner has involved in some criminal cases and registered a case in Crime No.318 of 2006 for the offences under Sections 147, 148, 341, 323, 506(ii) and 307 of I.P.C. and charge sheet was filed and it has been taken on file in S.C.No.53 of 2002 on the file of Fast Track Court, Pudukottai and a case in Crime No.197 of 2007 also registered for the offence under Section 110 of Cr.P.C. Hence, his name was included in the rowdy list as per the guidance contemplated in the Police Standing Order 778 and 779, since the petitioner habitually commit, attempt to commit or abet the commission of offences involving a breach of peace in several times.

4. The learned counsel for the petitioner relied on a judgment in **Selvaraj and others v. The Inspector of Police, Kaliakavilai** reported in **2010 Writ L.R.335**, in which, the Division Bench of this Court held as follows:

"10. In the present case, the history sheets were opened on 09.04.2006 and as per the Police Standing Orders, it should come to an end with December 2007. Neither the counsel for the appellants nor the Government Advocate has the information regarding whether the history sheet has been continued after December 2007. Police Standing Orders indicate how and in what manner the history sheet can be continued. Therefore, the writ appeals are disposed of directing as follows:

If the History Sheets have come to an end with December, 2007, no further directions are necessary. Otherwise, the respondents shall strictly follow the above Police Standing Orders before passing any orders. No order as to costs. Connected M.P. (MD).No.2 of 2009 in all the Writ Appeals are closed.

5. In this case also, the history sheet was opened on 29.11.2011 and it should come to an end with December 2012. Neither the learned counsel for the Petitioner nor the learned Additional Government Pleader has the information regarding whether the history-sheet has been continued after December 2012 and the above said decision is applicable to the facts of the present case.

6. Following the Division Bench judgment, this Writ Petition is disposed of in above terms. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar RTI

/True Copy/

Sub Assistant Registrar



To.

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

2. The Inspector of Police,
Town Police Station,
Pudukottai,
Pudukottai District.

+1cc to Special Government Pleader Sr.No.8579

+1cc to M/s G.Mathavan, Advocate SR.No.8361

Cn/Gsv-AN/22.2.2016/5c-3p

W.P. (MD) No.14118 of 2011
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