



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND**

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. [MD] .No.13005 of 2017

and

W.M.P[MD]No.10071 of 2017

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S.M.Mohammed Iqbal

: Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat,
Chennai.
2. The District Collector,
Thanjavur District,
Thanjavur.
3. The Superintendent of Police,
Thanjavur District,
Thanjavur.
4. The Tahsildar,
Papanasam Taluk,
Thanjavur District.
5. The Block Development Officer,
Papanasam Block,
Special Officer,
Rajagiri Panchayat,
Thanjavur District.
6. The Inspector of Police,
Papanasam Police Station,
Thanjavur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to protect secularism and peaceful and harmonious living of petitioner's Village people irrespective of religion and caste by considering petitioner's representation dated 03.07.2017.

For Petitioner : Mr.R.Narayanan

For R-1 to R-4 & R-6 : Mr.M.Govindan,

Special Government Pleader

For R-5

: Mr.R.Karthikeyan

**O R D E R***********

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

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The petitioner filed this writ petition for issuance of a Writ of Mandamus directing the respondents to protect secularism and peaceful and harmonious living of Village people irrespective of religion and caste, by considering his representation dated 03 July 2017.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader on behalf of the respondents 1 to 4 & 6 and the learned counsel for the fifth respondent.

3. The petitioner in his affidavit filed in support of the writ petition, contended that a group of people are trying to erect an 'Arch' in the name of Goddess by making obstruction to the main street, without taking permission from the authorities. The petitioner, submitted a representation dated 03 July, 2017, requesting the respondents not to permit the erection of the Arch. However, there was no response.

4. The learned Special Government Pleader on instruction submitted that there was a peace committee meeting convened by the jurisdictional Tahsildar in the year 2000 in view of the dispute raised by the members of two communities. In the said meeting, it was resolved to permit both the groups to erect arches. The Tahsildar identified the location for putting up the arches. Accordingly, the group led by the petitioner erected the arch. Subsequently, the other group also started erecting the arch. At that point of time, the petitioner has filed this Writ Petition.

5. The petitioner seeks a direction to the respondents to protect secularism and peaceful and harmonious living of the Village people. There is nothing on record to show that the respondents are responsible for the breach of peace in the area or they are not promoting secularism. The petitioner under the guise of protecting secularism, in fact, wanted to create problem in the area. The petitioner was silent till the Arch was erected by his people. It was only when the other group commenced work, the petitioner realized the importance of secularism. The petitioner must demonstrate that he is a secular and respects the religions.

6. We direct the District Collector, Thanjavur District and the sixth respondent, who is the jurisdictional Inspector, to ensure that there is no breach of peace in the area in connection with the erection of arch.



7. In the upshot, We dismiss the Writ Petition. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

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Sub Assistant Registrar

To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai.
2. The District Collector,
Thanjavur District,
Thanjavur.
3. The Superintendent of Police,
Thanjavur District,
Thanjavur.
4. The Tahsildar,
Papanasam Taluk,
Thanjavur District.
5. The Block Development Officer,
Papanasam Block,
Special Officer,
Rajagiri Panchayat,
Thanjavur District.
6. The Inspector of Police,
Papanasam Police Station,
Thanjavur District.

+1cc to Spl.Government Pleader Sr.No.66087

PM

VB/KP/SAR3/26.07.2017/3P/8C

Order made in
W.P. [MD] .No.13005 of 2017
14.07.2017