

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.1024 of 2018

P.N.A.Govindan

..Petitioner

vs.

1.State Represented by
The Commissioner of Police,
Salem City, Salem.

2.State Represented by
The Inspector of Police,
Hasthampatty Police Station,
Salem.

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C to issue direct the respondents to give Police protection to the petitioner & Villagers of Azhagapuram Pudhur Village to perform Religious Rites & Custom i.e. Ancestor Worship in the Memorials situated in the Burial Ground, measuring about 4705 Sq.ft. bearing (old) S.No:206/1, (New) Ward-c, Block-10, T.S.No:7, (New Re-Survey) Ward-K, Block-10, T.S.No.44 of Azhagapuram Pudhur Village, Salem West Taluk, Salem District during the Thai Pongal Festival, Auspicious Days & all other such Hindu Festivals till the pendency of the Review petition No.114/2009 in S.A.No.1827/1982 before this Court.

For Petitioner : Mr.A.Selvendran

For Respondents : Mrs.V.Sarathadevi
Government Advocate (Crl.Side)

W E B C O P Y
O R D E R

This petition is filed to direct the respondents to give Police protection to the petitioner & Villagers of Azhagapuram Pudhur Village to perform Religious Rites & Custom i.e. Ancestor Worship in the Memorials situated in the Burial Ground, measuring about 4705 Sq.ft. bearing (old) S.No:206/1, (New) Ward-c, Block-10, T.S.No:7, (New Re-Survey) Wark-K, Block-10, T.S.No.44 of Azhagapuram Pudhur Village, Salem West Taluk, Salem District during the Thai Pongal Festival, Auspicious Days & all other such Hindu Festivals till the pendency of the Review

petition No.114/2009 in S.A.No.1827/1982 before this Court.

2. Though the petitioner has sought for a direction to perform Religious Rites in the Burial Ground, bearing (old) S.No:206/1, (New) Ward-c, Block-10, T.S.No:7, (New Re-Survey) Wark-K, Block-10, T.S.No.44 of Azhagapuram Pudhur Village, Salem West Taluk, Salem District. Today, when the matter was called, the learned counsel for the petitioner submitted that he would be satisfied if his representation dated 06.01.2018 seeking for the said permission is considered. It is submitted by the learned counsel for the petitioner submits that he has the benefit of a judgment in second appeal in S.A.No.1827 of 1982 dated 09.01.1998 and on the basis of the judgment he seeks rights to Worship in the Memorials.

3. Since the petitioner intends to conduct these Rites and Customs on 15.01.2017, the second respondent shall endeavor to dispose of the representation on or before 14.01.2018. At the time of considering the representation the second respondent shall give notice to any person who may be interested in the subject lands. At the time of disposing of the representation, the second respondent shall also consider the observations made in the judgment dated 09.01.1998 passed in S.A.No.1827 of 1998.

4. In view of the limited prayer sought for and without going into the merits of the claim made by the petitioner , there shall be a direction to the second respondent to consider the petitioner's representation dated 06.01.2018, on its own merits and pass appropriate orders in accordance with law.

With the above observation, this Criminal Original Petition is stands disposed of.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sjj/aav

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To

1.The Commissioner of Police,
Salem City, Salem.

2.The Inspector of Police,
Hasthampatty Police Station,
Salem.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.NETHAJI Advocate, S.R.No. 2517

Cr1.O.P.No.1024 of 2018

TR(12/01/2018)



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