

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2018

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20197 of 2009 and
M.P.No.1 of 2009

D.Manivanna Pandian

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by the Superintendent of Police,
Vellore District, Vellore.

2. The Inspector of Police,
South Police Station,
Vellore.

3. Sri.I Elangovan

... Respondents

PRAYER : This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, forbearing the respondents 1 and 2 from giving permission to anyone particularly to the 3rd respondent to conduct any demonstration, Dharna or any other form of agitation against the petitioner in a public place in connection with the criminal case registered against the petitioner in crime No.27 of 2009 on the file of the All Women Police Station, Vellore.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.R.S.Selvam
Government Advocate

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O R D E R

The relief sought for in this writ petition is to forbear the respondents 1 and 2 from giving permission to anyone particularly to the 3rd respondent to conduct any demonstration, Dharna or any other form of agitation against the petitioner in a public place in connection with the criminal case registered against the petitioner in crime No.27 of 2009 on the file of the All Women Police Station, Vellore.

2. It is the case of the petitioner that the petitioner is working as a Lecturer in Voorhees College from 01.09.1987 and promoted to the post of Reader during the year 2002. He is carrying out his duties sincerely and honestly and he has not committed any misconduct and no disciplinary action was initiated against him.

3. The learned counsel for the petitioner contended that one Miss.N.Jeeva was studying second year B.Com., at Voorhees college and staying in the College hostel. The petitioner was holding the post of hostel warden for both boys and girls hostel. On 01.09.2009, the said N.Jeeva has given a false complaint to the All women Police Station, Vellore stating that on 29.08.2009 evening 8.15 pm, the petitioner went to her hostel room and wanted to compel her to do a sexual intercourse and she shouted and immediately the petitioner went out of her room. The said complaint was taken on file by the 2nd respondent Police station and FIR was registered in Crime No.27 of 2009 under Section 3 and 4 of Tamil Nadu Prohibition of Women Harassment Act 1998. The petitioner was arrested at 5.30 pm on the same day and remanded him to Police custody. Then on 03.09.2009, the petitioner was released on bail by the learned Judicial Magistrate No.1, Vellore.

4. The learned counsel for the petitioner further contended that the Principal and Secretary, Voorhees College, Vellore placed him under suspension vide letter No.001/Dis/2009 dated 03.09.2009 with effect from 01.09.2009 and he continued to be placed under suspension till now for the reason that he had been arrested and detained by the Police. On 29.08.2009, the petitioner went to his warden quarters at 4.30 pm itself and did not come out of his quarters after 4.30 pm on that day. The complaint lodged against him is false and concocted one. The said Jeeva was having love affairs with one Satheesh who was also studying in the same College and also residing at the boy's hostel at the time of alleged occurrence. The said Satheesh often used to come to the girls hostel to meet the defacto complainant Jeeva and she was also entertaining him in her hostel room. This was objected by other students of the girl's hostel and they complained to the petitioner. Hence, the petitioner severely warned her not to do such things in future and he also called the said Satheesh and warned him regarding the said issue. Due to the above incident, both Jeeva and Satheesh were angry and waiting for a chance to take revenge against the petitioner.

5. The learned counsel for the petitioner also contended that third respondent namely I.Elangovan, Senior Grade Lecturer was always engaged in Anti management activities in the College and the petitioner has objected to this and told him not to

fight with the management for trivial issues. This led to the development of personal enmity between both. Under these circumstances, the said Satheesh approached the 3rd respondent and informed about the warning given to him. Both connived together and planned to implicate the petitioner in some offence for sending out of the college. Hence, the said Jeeva has given a complaint and pursuant to the same, FIR was registered and the petitioner was remanded to Police custody, since the third respondent did not get satisfy with this and wanted to tarnish the image of the petitioner in public and humiliate the petitioner and to put his entire family into trouble. The petitioner's wife is working as a staff nurse in Christian Medical College Hospital, Vellore and she was subjected to mental agony. The 3rd respondent was conducting public demonstration and he was issuing pamphlets and notices in public and is causing grave hardship to the petitioner and his family. He arranged one hunger demonstration on 30.09.2009 inside the Voorhees College compound but the College was closed on that day and hence he could not conduct that demonstration on that day. Hence the 3rd respondent was planning to conduct Dharna against the petitioner in front of Vellore Head Post Office on 06.10.2009 among public and to demonstrate false and concocted stories against the petitioner among the public. The petitioner is ready to face the criminal case and also to cooperate with the respondents 1 and 2 for investigation. But the 3rd respondent is still insisting to cause further trouble to the petitioner by conducting 'Dharna' on 06.10.2009 and if it is conducted, the petitioner and his family will be subjected to much prejudice and irreparable loss of reputation. Hence, the petitioner seeks interference of this Court against the said Dharna to be conducted by the 3rd respondent.

7. From the perusal of the letter dated 05.10.2009 produced by the Government Pleader, it could be seen that the said letter was addressed to the Public Prosecutor, High Court by Inspector of Police / second respondent herein, wherein it has been stated that there is no petition received or sanction pending for permission to stage agitation or fast in the premises of Voorhees College or other places under the South Police Station limit against petitioner namely Manivanna Pandian. It is also stated in the said letter that there is also no permission granted in respect of any such permission sought by anyone in this regard.

8. This Writ petition has been filed only for not to grant any permission to conduct any Demonstration, Dharna or any other form of agitation against the petitioner in public place in connection with the criminal case registered against the petitioner in Crime No.27 of 2009 on the file of the All Women Police Station, Vellore. Since this petitioner has given a

particular date for not conducting Dharna (i.e.) 06.10.2009 and the Police department has given a copy of the letter dated 05.10.2009 which was signed by the Inspector of Police/second respondent herein on 08.10.2009 that no petition pending for granting such permission or direction to the said issue and also no permission was granted by the said Police regarding the issue and further the writ petition has been filed in the year 2009, and no injunction was granted till date, nothing survives in this writ petition for further adjudication.

9. Accordingly, this Writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum/bkn

To

1. The Superintendent of Police,
Vellore District, Vellore.
2. The Inspector of Police,
South Police Station,
Vellore.

+1 cc to Mr.T.P.Prabakaran, Advocate Sr.No.52778

+1 cc to The Government Pleader, Sr.No.52831

सत्यमेव जयते

W.P.No.20197 of 2009

and

M.P.No.1 of 2009

NRL (CO)
CSL/26.02.2019

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