



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.[MD].No.19746 of 2018

and

W.M.P(MD) No.17536 of 2018

D.Jebaraj Stephen Muthaiah

..... Petitioner

Vs.

1. The Revenue Divisional Officer
Tenkasi
Tirunelveli District
2. The Deputy Superintendent of Police
Tenkasi
Tirunelveli District
3. The Inspector of Police
Courtallam Police Station
Tenkasi
Tirunelveli District
4. Jebarathinam
Claiming Convenor
Courtallam Harvest Festival
CSI church Compound
417, Kannimaramman Kovil Street
Tenkasi- 627 811

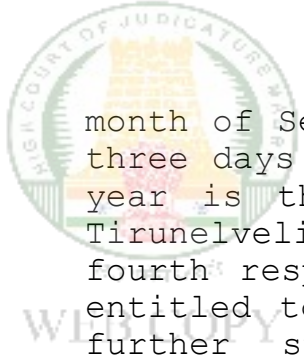
... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to conduct the 107 Cr.P.C proceedings by the first respondent within a time to be fixed by this Honourable Court and in any case before 22.09.2018.

For Petitioner	: Mr.T.S.R.Venkataramana
For Respondents	: Mr.B.Bhagawathi
No.1 to 3	Government Advocate
No.4	: Mr.J.Barathan

ORDER

This petition has been filed for a direction to the respondent to conduct 107 Cr.P.C proceedings within the time limit fixed by this court.



month of September there used to be harvest festival organised for three days and it will be visited by the Tirunelveli Bishop. This year is the 75th year of the "Rock Hall" celebrations. However, Tirunelveli Bishop has not been invited for the festival and the fourth respondent has instead invited another Bishop who is not entitled to preside over the function. The learned counsel would further submit that the respondent police registered First Information Report in Crime No.446 of 2018 against two parties totally consisting of 30 persons. Therefore this petition has been filed for a direction to the Revenue Divisional Officer to conduct 107 Cr.P.C proceedings within the time frame.

3. This Court during the last hearing specifically directed the learned Government Advocate to get instructions on the stand of the Revenue Divisional Officer in this case. Accordingly the Revenue Divisional Officer has filed counter affidavit. The relevant portion of the counter affidavit is extracted hereunder:

"5. I respectfully submit that both parties appeared before me on 04.09.2018 and produced documents and orders passed by the Civil Court and this Honourable court. The claim of the petitioner as his group of men referred as 'A' party in the first information report is that the Rock Hall Harvest Festival is conducted by 10 Pastorates in the CSI Church at Courtallam every year and that the Bishop of CSI Diocese of Tirunelveli has to be the chief guest in the festival. In other words, the petitioner and his group of men ('A' party) want the festival to be conducted by inviting the Bishop. Further, they claim that if the Bishop is not invited for the festival, the festival has to be stopped and no festival should be permitted to be conducted.

6. I respectfully submit that the 4th respondent and his group of men who had been referred as 'B' party in the first information report claim that the Bishop, had instigated the petitioner and his group of men to indulge in creating chaos and confusion in the smooth conduct of the festival. They claimed that the Bishop instead of maintaining neutrality, has been indulging in group politics in his own self interest. Both the parties were on their stand and they are not ready to accept the matter amicably.

7. So, I respectfully submit that action under section 107 of the Criminal procedure Code was not initiated by me. I am to state that Honorable Court may please to dismiss this petition for writ of mandamus. I further submit that this is not fit case for initiated action under section 107 of Crpc. I am also to submit that any



orders passed by the Honourable Court will be implement"

4. The Revenue Divisional Officer has therefore taken a specific stand that no action has been initiated under section 107 of Cr.P.C , since he is not satisfied with the requirements of the said provision. In the absence of the Revenue Divisional Officer conducting enquiry under Section 107 of Cr.P.c the prayer sought for by the petitioner cannot be granted by this court.

5. Accordingly the writ petition is dismissed. No Costs. Consequently connected miscellaneous petition is closed.

Sd/

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The Revenue Divisional Officer
Tenkasi
Tirunelveli District
2. The Deputy Superintendent of Police
Tenkasi
Tirunelveli District
3. The Inspector of Police
Courtallam Police Station
Tenkasi
Tirunelveli District.

+1cc to Mr.T.S.R.Venkataramana, Advocate, SR.No. 86286

+2cc to Mr.T.R.JEYAPALAM, Advocate, SR.No.86267

+1cc to M/s.Special Government Pleader,SR.No. 86387

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