

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.537 of 2019

P.N.A.Govindan

... Petitioner

Vs.

1. State rep.by
The Commissioner of Police,
Salem City,
Salem.
2. The Revenue Divisional Officer,
Salem Division,
Salem.
3. State rep by
The Inspector of Police,
Hasthampatty Police Station,
Salem.
4. Ramakrishna Mission Salem,
Rep by Swami Sampragnanandaji.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 3 to give adequate police protection on the basis of representation dated 27.12.2018 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 & other such Hindu Festivals till the pendency of the Review Petition No.114 of 2009 in S.A.No.1827 of 1982 before this Court.

For Petitioner : Mr.Raghavachari, Senior Counsel
for Mr.P.Nethaji
For R1 to R3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This criminal original petition has been filed seeking for police protection to the petitioner to perform the Religious Rites & Custom in the burial ground situated in Azhagapuram Pudhur Village, Salem.

2.It is seen from the records that the right of the petitioner has already been confirmed by this Court in S.A.No.1827 of 1982 by judgment dated 09.01.1998. This judgment is in force. Last year, the petitioner approached this Court seeking for a similar relief. This Court by an order dated 29.01.2018 made in Crl.O.P.No.2272 of 2018 also permitted the petitioner to perform the ceremony. Till the judgment of the Civil Court is in force, the fourth respondent will not have any right to interfere with the performance of the ceremony by the petitioner. The respondent police is also expected to enforce the judgment of the Civil Court made in favour of the petitioner.

3.In the result, this Criminal Original Petition is disposed of with a direction to the third respondent to give police protection to the petitioner to perform the 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 this year. If any obstruction is made by the fourth respondent, appropriate action may be taken against them and the fourth respondent may be directed to workout his remedy only in the manner known to law.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

rpl/ay

To

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

2. The Revenue Divisional Officer,
Salem Division,
Salem.

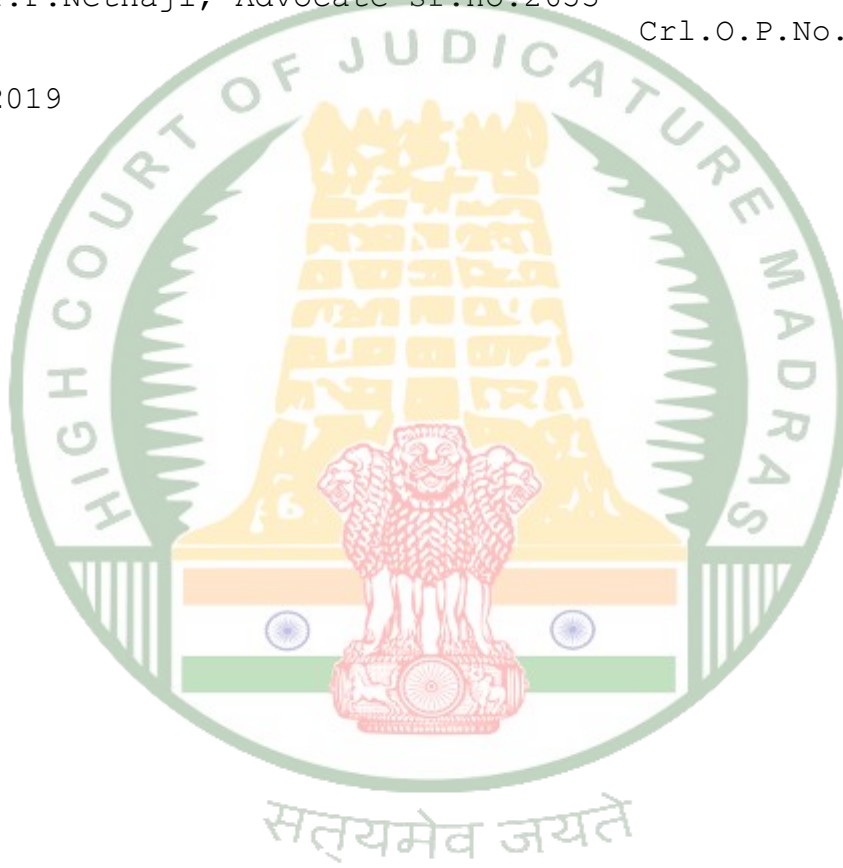
3. The Inspector of Police,
Hasthampatty Police Station,
Salem.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.Nethaji, Advocate sr.no.2653

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nr 11/01/2019



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