

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 24573 of 2018

N.R. Vadivel

... Petitioner

Vs.

1. The District Collector,  
Erode District, Erode.

2. The Inspector of Police,  
Arachalur Police Station,  
Arachalur, Erode District.

... Respondents

Prayer; Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to permit the Petitioner to pay homage to the Pollan Photo on any day to be fixed by the Respondents Nallamangapalayam, Arachalur Via, Erode District.

For Petitioner : Mr. C. Prakasam

For Respondents : Mr. M. Karthikeyan  
Additional Government Pleader

O R D E R

The Petitioner has sought for a direction to the Respondents to permit the Petitioner to pay homage to the photo of Pollan, who is a freedom fighter, on any day fixed by the Respondents at Nallamangapalayam Village of Erode District.

2. The First Respondent has filed Counter Affidavit stating that such permission could not be granted from the point of law and order for the following reasons:-

- "(a) One Thiru. R. Veeragopal, District Secretary, Athi Tamilara Peravai has claimed that freedom fighter Pollan was shot dead at Kasthuripalayam Village of Erode District, by British Army.
- (b) But the Petitioner of this Writ Petition, Thiru. N.R. Vadivel, Arunthathiar Illaingar Peravai and District Organizer of Pollan History Retrieving

Committee has claimed that the freedom fighter Pollan was killed by the British Army at Nallamangapalayam of Erode District.

- (c) It was ascertained that the law and order situation will be in adverse, if permission was granted to celebrate the memorial day at Nallamangapalayam on 17.07.2019, at the stage of the where the freedom fighter would have been killed is not clearly known, when the two factions of same community have claimed that the freedom fighter was killed in different places.
- (d) A case was registered in Crime No. 146/2018 under Sections 143 and 188 of Indian Penal Code, 1860, at Arachalur Police Station against the Petitioner of this Writ and two others for organizing to celebrate the memorial day of Pollan at Arachalur though the permission was refused by the Police.
- (e) In the same manner, another case was registered under Sections 143 290, 153 and 188 of Indian Penal Code, 1860, at Arachalur Police Station against Thiru. R. Veeragopal, District Secretary, Athi Tamilara Peravai for picketing and road roko at Arachalur for not giving permission to celebrate the memorial day of the freedom fighter.
- (f) As on date 30(2) of the Police Act is in force."

However, on the suggestion of this Court that the memorial day of the freedom fighter could be observed by the District Administration by organizing and making arrangements for the same, it is informed that such programme has been decided to be held at 10.00 a.m. on 17.07.2019 at the Community Hall belonging to Modakurichi Town Panchayat located at Modakurichi, which is a premises belonging to the Government, by way of:-

- "(i) garlanding one photo of the Pollan on behalf of the District Administration;
- (ii) allowing the public to pay homage within a specified time period by press release giving wide publicity in this regard."

The statement made by the First Respondent in this regard in the Counter Affidavit is recorded.

3. The entire programme shall also be videographed by the Respondents and a report shall be filed in this Court on the next day.

4. The Learned Counsel for the Petitioner submits that the aforesaid programme may be conducted annually on a specified day. The District Administration shall consider the suggestion made and take suitable decision. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

may

To

1. The District Collector,  
Erode District, Erode.
2. The Inspector of Police,  
Arachalur Police Station,  
Arachalur, Erode District.

+1 cc to M/s.C.Prakasam, Advocate, S.R.No.60314

+1 cc to the Govt. Pleader, High Court, Madras, S.R.No.60214

W.P. No. 24573 of 2018

MR(CO)  
SSM(29/07/2019).

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