



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM
W.P.No.715 of 2020

M.Shanmugam

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

3.The Inspector of Police,
Bharur Police Station,
Pochampalli Taluk,
Krishnagiri Distric - 635 123.

4.Natesan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue writ of certiorarified mandamus, calling for the records of the impugned order dated 27.12.2019 passed by the 3rd respondent and quash the same and consequently direct the respondents 1 to 3 to allow the petitioner to conduct the traditional and customary pooja on 17.01.2020 from 8.00 A.M to 11.00 P.M with police protection at Arulmigu Nandeswarar Temple at Pannathur, Pochampalli, Krishnagiri District.

For Petitioner : Mr.K.Balu

For Respondents : Mr.M.Mohammed Riyaz
Additional Public Prosecutor
for R1 to R3.



O R D E R

This petition has been filed by the petitioner to call for the records of the impugned order dated 27.12.2019 passed by the 3rd respondent and quash the same and consequently direct the respondents 1 to 3 to allow the petitioner to conduct the traditional and customary pooja on 17.01.2020 from 8.00 A.M to 11.00 P.M.

2. The learned counsel for the petitioner has submitted that inspite of the specific order passed by this Court in CrI.OP.No.34225 of 2019 dated 20.12.2019, the 3rd respondent has passed an impugned order on 27.12.2019, without calling the petitioner for enquiry.

3. The learned Additional Public Prosecutor has submitted that the 3rd respondent may be directed to conduct an enquiry on the petitioner's representation by giving an opportunity to both the parties and dispose of the same in accordance with law.

4. This court by the order dated 20.12.2019, has directed the 3rd respondent to conduct enquiry with regard to the representation submitted by the petitioner on 08.11.2019 and by giving an opportunity to the petitioner and also rival group if any, and pass an order in accordance with law on or before 31.12.2019 and the result shall be informed to the parties. In spite of such specific order, the 3rd respondent has passed an order without hearing the petitioner and also the rival group citing certain incidents that had taken place in the previous years. The conduct of the 3rd respondent cannot be appreciated. The third respondent is directed to comply the order of this Court dated 20.12.2019 in letter and spirit and dispose of the petitioner's representation on or before 16.01.2020 failing which he has to face the consequences in accordance with law.

5. With the above direction, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

3.The Inspector of Police,
Bharur Police Station,
Pochampalli Taluk,
Krishnagiri Distric - 635 123.

4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.Balu Advocate sr3136

W.P.No.715 of 2020

aa13/01/2020