

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:02.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Writ Petition No.26938 of 2019
and
W.M.P.No.26316 of 2019

S.Alamelu

.. Petitioner

/versus/

1.The State of Tamil Nadu,
Rep.by District Collector,
Salem District.

2.Superintendent of Police,
O/o Superintendent of Police,
Salem.

3.Inspector of Police,
Thalaivasal Police Station,
Aatur Taluk, Salem District.

4.The Revenue Divisional Officer,
O/o Revenue Divisional office,
Attur 636 102.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 4 to conduct necessary re-investigation in accordance with law on three FIRs vide numbers FIR No.156 of 2012, FIR No.266 of 2012 and FIR No.136 of 2017 respectively on the file of the 3rd respondent and punish all the persons in accordance with law, since all the offences stated in the complaints dated 24/05/2012, 03.08/2012 and 27.05.2017 are serious in nature and cognizable offences and directing the respondents to provide complete and expedite interference into petitioner's cases, which are pending since 2012 and to provide peaceful life to her and her family members, within the stipulated time framed by this Court.

For Petitioner :M/s Padmeshwari

For Respondents:Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1 to R4

O R D E R

This writ petition has been filed for a direction directing respondents 1 to 4 to conduct necessary re-investigation in accordance with law in FIR No.156 of 2012, FIR No.266 of 2012 and FIR No.136 of 2017 respectively on the file of the 3rd respondent and punish all the persons in accordance with law, since all the offences stated in the complaints dated 24/05/2012, 03.08/2012 and 27.05.2017 are serious in nature and cognizable offences and directing the respondents to provide complete and expedite interference into petitioner's cases, which are pending since 2012 and to provide peaceful life to her and her family members, within the stipulated time framed by this Court.

2. The second respondent filed a Status Report stating that a detailed enquiry was conducted in Cr.No.156 of 2012 and thereafter, it was referred to as "Mistake of Fact" on 20.07.2018 itself. Insofar as Cr.No.266 of 2012 is concerned, the same has already been closed as Mistake of Fact. In respect of the registered First Information Report in Cr.No.136 of 2017 the second respondent referred to initiation of a proceedings under Section 107 of Cr.P.C. On the enquiry by the Revenue Divisional Officer under Section 107 of Cr.P.C. conducted a detailed enquiry in which the Revenue Divisional Officer passed an order that both the parties did not stop to enter each other at the time of Mariamman Temple festival on 10.09.2018 to 13.09.2018 and the 3rd respondent was directed to give adequate police protection during the said period for the festival. On the above directions, 107 proceedings was closed by the Revenue Divisional Officer, Attur. Therefore, nothing survives in this writ petition. Hence, this writ petition is dismissed as infructuous. No costs. However, the learned counsel appearing for the petitioner submitted that till date the petitioner is not at all permitted even to enter into the temple for his worship the God and the village.

3. Considering the above facts and circumstances of the case, the 3rd respondent is directed to ensure that the petitioner can enter into the village and the temple to worship the God in the Mariamman Temple situated at Thalaivasal, Attur Taluk. The 3rd respondent is also directed to furnish a copy of the closure Report in respect of Crime No.156 of 2012; Crime No.266 of 2012 and Crime No.136 of 2017 to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to

file a protest petition before the Court concerned in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

1.The District Collector,
Salem District.

2.Superintendent of Police,
O/o Superintendent of Police,
Salem.

3.Inspector of Police,
Thalaivasal Police Station,
Aatur Taluk, Salem District.

4.The Revenue Divisional Officer,
O/o Revenue Divisional Office,
Attur 636 102.

+1 cc to Ms.Padmeshwari Advocate sr18538

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