



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.(MD) No.17616 of 2020

WEB COPY

1.R.Venkatraman,
President,
Virudhunagar Lorry Booking Office
Owners Welfare Association,
Registration No.291/2010,
3/1049-9, Sivakasi Road,
Virudhunagar,
Virudhunagar District.

2.P.Arulraj,
Secretary,
Virudhunagar Lorry Booking Office
Owners Welfare Association,
Registration No.291/2010,
3/1049-9, Sivakasi Road,
Virudhunagar,
Virudhunagar District.

3.R.Gunasekaran
Vice-Secretary,
Virudhunagar Lorry Booking Office
Owners Welfare Association,
Registration No.291/2010,
3/1049-9, Sivakasi Road,
Virudhunagar,
Virudhunagar District.

Petitioners

Vs.

1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2.State through
The Inspector of police,
Virudhunagar Bazaar Police Station,
Virudhunagar District.

3.K.P.N.Raja
S/o K.P.Nagarajan
Sri Sowmiya Narayana Lorry Transport,
13/2 Thalayappan Street,
Virudhunagar, Virudhunagar District.



4.K.Veluchamy,
S/o G.Koodalingam,
New Asian Transport,
Old Sivakasi Road,
Virudhunagar,
Virudhunagar District.

5.P.Kasirajan,
S/o Pethuraj
Sri Narayana Lorry Transport,
D/No.59/2, T.T.K. Road,
Virudhunagar,
Virudhunagar District.

6.A.Mariyasavari,
S/o Anthonymuthu Nadar,
Chellam Lorry Service,
Kamarajar By-Pass Road,
Virudhunagar,
Virudhunagar District

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.1 & 2, to take appropriate action against the 3 to 6 respondents and direct to protect the life and limb of the petitioner and other petitioners based on his representation dated 01.11.2020.

For Petitioners : Mr.G.Mariappan
For R1 & R2 : Mr.R.Srinivasan
Government Advocate

O R D E R

This writ petition has been filed to direct the respondent Nos.1 & 2, to take appropriate action against the 3 to 6 respondents and direct to protect the life and limb of the petitioner and other petitioners based on his representation dated 01.11.2020.

2.The learned counsel appearing for the petitioners would submit that the petitioners were elected as President, Secretary and Vice Secretary of the Virudhunagar Lorry Booking Office Owners Welfare Association, Virudhunagar in the General Body Meeting held on 14.02.2020. While that being so, the respondents 3 to 6 had submitted a Form 7, to the Registrar Societies, claiming that they are the office bearers of the above Association and the same was not considered by the Registrar. The respondent Nos.3 to 6 could not tolerate the above decision of the Registrar and indulged in violent activities and endangering threat to the life and limb of the petitioners. Therefore, the petitioners has sent representation dated 01.11.2020 to the respondent Nos.1 & 2, seeking police protection. Since no action has been taken by them, the petitioners



are before this Court with this present Criminal Original Petition.

3.The learned Government Advocate appearing for the 1st & 2nd respondents, on instructions, would submit that the matter has been referred to RDO.

WEB COPY

4.In reply, the learned counsel for the petitioners would submit that the petitioners appeared before RDO and produced all relevant documents.

5.The learned Government Advocate would submit that the matter was proposed to be referred to the Registrar of Societies Registration to verify as to the authenticity of the documents / certificates produced by the petitioners before the RDO.

6.Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondent 1 & 2.

7.Admittedly, the matter has been referred to the RDO. The petitioner has also participated in the enquiry. It is also stated that the documents /certificates produced by the petitioners before the RDO have been referred to the Registrar of Societies Registration to verify its authenticity. As on date, the petitioner has given the relevant documents and therefore, it is the duty of the respondents/police to consider and pass orders on the petitioner's representation dated 01.11.2020, after giving opportunity to the respondents 3 to 6, by following the guidelines in the Judgment of the Hon'ble Supreme Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** and if it is found that police protection is necessary, the same may be given to the petitioner. The respondents 1 and 2 shall keep in mind that the matter is not represented till the issue is decided by the RDO.

8.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2.The Inspector of police,
Virudhunagar Bazaar Police Station,
Virudhunagar District.

W.P. (MD) No.17616 of 2020
08.12.2020

SS (CO)

KB (07.01.2021) 4P 3C