

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
WP No.1048 of 2021

K.Iyyanar

... Petitioner

vs.

1. The Superintendent of Police,
Salem Rural, Salem District.

2. The Deputy Superintendent of Police,
Salem Rural,
Salem District.

3. The Inspector of Police,
Mallur Police Station,
Mallur, Salem District.

4. Suresh

5. Manikandan @ Tirumamani

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to provide police protection to the petitioner to safeguard the life and limb based on the complaint of petitioner dated 21.12.2020 in C.S.R.No.485 of 2020 on the file of third respondent police.

For Petitioner : Mr. C.Prabakaran

For Respondents : Mr.C.Raghavan
Government Advocate, for RR1 to 3

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to provide Police protection to the petitioner, since the petitioner apprehends very serious threat to his life and limb.

2. The case of the petitioner is that he was elected as a Vice Chairman at Mallur Town Panchayat and he was holding the said post from 1996 to 2006. In the year 2016 one Karthi was murdered by some accused persons and this resulted in unrest

among different communities and the petitioner is said to have helped the Police in maintaining the peace in the area. Thereafter the petitioner started receiving repeated threats and there are at least 10 complaints that have been given by the petitioner in this regard.

3. In the year 2019, there was a writing in the compound wall to the effect that the petitioner will be done away with. Based on a complaint given by the petitioner, an FIR came to be registered in Crime No.129 of 2019.

4. The apprehension of the petitioner is that two of the rowdy elements, viz., Suresh and Manikandan are taking all steps to eliminate the petitioner and despite the fact that the petitioner has been making repeated representations, no Police protection was granted to him and therefore left with no other option, the present Writ Petition has been filed before this Court.

5. When the matter came up for hearing on 04.02.2021, this Court passed the following order:

"Taking into consideration the facts and circumstances of the case and the nature of grievance expressed by the petitioner, there shall be a direction to the petitioner to give a detailed representation to the second respondent viz., The Deputy Superintendent of Police, Salem Rural, Salem District. The Deputy Superintendent of Police shall conduct an enquiry and file a report before this Court. Based on the report, further orders will be passed in this Writ Petition.

Post this case under the caption 'for orders' on 04.03.2021."

6. When the matter was taken up for hearing today, a counter has been filed by the Deputy Superintendent of Police, Salem Rural. The relevant portions in the counter are extracted hereunder:

"2. I submit that, on 28.04.2016 one Karthi (28) S/o. Balu of Vengampatty Village (Vanniyar Community) was murdered by Sundram and 10 others all were scheduled caste of Adidraavidar of Mallur, Ambethkar Nagar due to previous enmity. In this connection case was registered in Mallur PS Cr. No.203/16 u/s.147, 148, 341, 302 IPC, all the accused were arrested and case was charged on 25.09.2016 and now this case was posted to 31.03.2021 for witnesses examination. At

that time, the petitioner has helped to Mallur Police for maintaining peace in that area.

3. I submit that on 25.06.19 the petitioner appeared Mallur Police Station and filed a complaint, for some unknown person writing in paint (nt';if ma;adhh;bfhy;ygLtha;) at Poovayamman temple wall by VCK flag symbol. In this regard issued Mallur P.S. CSR. 160/19, and subsequently FIR was registered in Mallur PS Cr.No. 129/19 u/s. 506 (i) IPC on 01.08.2019. Now this case is under investigation.

4. I submit that the petitioner is now suspected respondents 4 and 5 Suresh and Manikandan @ Thirumamani. Suresh is involved in Mallur PS Cr.No.203/16 u/s.147, 148, 341, 302 IPC and maintained Rowdy HS (No.16/17) from the year 2017 and Manikandan @ Thirumamani is involved in Mallur PS Cr.No.Mallur PS Cr.No.220/18 \u/s.294(b), 153, 506(i) IPC r/w 6,7 ITP Act 2000 and Cr.No.24/19 u/s 294(b), 323 324, 506(ii) IPC and also maintained Rowdy History Sheet (01/20) against him. The accused Suresh is now at Kerala and he involved Thiruvananthapuram P.S. Cr.No.2247/20 u/s 342, 452, 294(b) IPC & 27 Arms Act hence, he is not available my enquiry, and Now Thirumamani is also closely watched my observation.

5. I humbly submit that the petitioner now holding revolver License (No.A5581). Mean while whenever the petitioner approached the police station and necessary action was taken then and there, however our police personnel's should keep watch the activities of respondents Suresh and Manikandan. If any violets of their activities stringent action to be taken."

7. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3.

8. It is clear from the counter affidavit filed by the Deputy Superintendent of Police that there is a previous enmity and the petitioner is being targeted by a particular community. Even though the petitioner is holding a Revolver License, during the election time the same has to be surrendered and accordingly the petitioner has also surrendered the Revolver. The Deputy Superintendent of Police has stated that as and when the petitioner apprehends any threat, protection will be granted to the petitioner and action will be taken against the accused persons. It is also stated that the fourth respondent Suresh is now at Kerala involved in some other offence and the fifth respondent Manikandan is a history sheeter, who is monitored closely.

9. Taking into consideration the facts and circumstances of the case and the potential life threat faced by the petitioner, there shall be a direction to the first respondent to provide Police Escort to the petitioner for a period of three months. Whatever cost has to be paid by the petitioner in this regard, shall also be paid before the first respondent. After the expiry of the three months, the first respondent shall take stock of the situation and take a decision on the continuation of the police protection.

10. The petitioner is directed to make a fresh representation to the first respondent along with a copy of this Order. This Writ Petition is disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

jv

To

1. The Superintendent of Police,
Salem Rural, Salem District.
2. The Deputy Superintendent of Police,
Salem Rural,
Salem District.

3. The Inspector of Police,
Mallur Police Station,
Mallur, Salem District.

4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.C.Prabakaran Advocate sr 13669

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