

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Cr1.O.P.No.3229 of 2016
in Cr1 MP Nos.1671 & 1478 of 2016

X.Irudhayaraj

...Petitioner

Vs.

1. The Sub Divisional Executive Magistrate /
The Sub Collector,
Hosur, Krishnagiri District,
2. The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the notice issued in Va.No.299/2015 (A4) dated 29.01.2016 issued by the 1st respondent.

For Petitioner : Mr.K.C.Karl Marx

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

सत्यमेव जयते

This Criminal Original petition has been filed to quash the notice issued in Va.No.299/2015 (A4) dated 29.01.2016 issued by the 1st respondent.

2. The case of the prosecution is that the petitioner is the District Secretary of the Tamil nadu Untouchability Eradiction Front, Krishnagiri district Committee. The front was formed with an objective of eradicating the social sin of untouchability and it has been continuously working towards the protection of the rights and causes of the Scheduled Caste and Scheduled tribe people. The Government has acquired 2.75 acres

of land situated in Survey No.12/2, Sanamavu Vilalge, Hosur Taluk from one Kembaiya on 08.01.1999 and the land has been divided and distributed to the 42 land less scheduled caste people and the said Kembaiya approached this Court in WP No.39709 of 2006. This Court by an order dated 25.11.2015 had set aside the acquisition proceedings by stating that the statutory notice was not issued. As such, the land owner was trying to sell the land. The scheduled caste people who were issued with patta were aggrieved by the said cancellation of acquisition proceeding, had approached the Tamil Nadu Untouchability Eradication Front and sought for their assistance. The petitioner's Front has obtained legal advice and gave a representation to the District Collector on 11.01.2016 requesting to file an appeal against the said order in order to protect the land from any encumbrance. Further, the Front gave a representation dated 22.01.2016 to the Deputy Superintendent of Police seeking permission to conduct a procession from Sanamavu village to the Sub Collector's office in peaceful manner. The Deputy Superintendent of Police has refused to give permission for going on procession by order dated 24.01.2016. The said order was served on the petitioner's front only on the evening of 24.01.2016. As such, the procession was dropped. To his shock and surprise, the 1st respondent issued a show cause notice dated 27.01.2016 under Section 111 of Cr.PC r/w Section 107 of Cr.PC to show cause as to why action should not be taken against him for causing hindrance to the public peace and also registered an FIR in Crime No.41 of 2016 against the petitioner by the 2nd respondent. According to the petitioner, no procession was taken place as alleged. The petitioner gave a reply on 29.01.2016. Another notice was served on him on 02.02.2016 at 12 p.m under Section 116 (3) of Cr.PC dated 29.01.2016 directing him to appear before the 1st respondent on 02.02.2016 to execute a surety bond for Rs.10,000/- by a person having own land. Aggrieved by the said notice, the petitioner filed this Criminal Original Petition.

3. The learned counsel for the petitioner submitted that the notice issued was against proviso (a) to Sub Clause (3) of Section 116 of Cr.Pc. No person against whom proceedings are not being taken under Section 108, Section 109 or Section 110 shall be directed to execute a bond for maintaining good behaviour.

4. The learned Additional Public Prosecutor submitted that the final order itself was passed in the year 2016 and due to lapse of time, this petition has become infructuous.

5. Taking into account the final order being passed on the said proceedings and the submissions made by the learned Additional Public Prosecutor, nothing survives in this petition and accordingly, this Criminal Original Petition is dismissed as infructuous. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Divisional Executive Magistrate /
The Sub Collector,
Hosur, Krishnagiri District,
2. The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.3229 of 2016

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srg 13/07/2021

सत्यमेव जयते

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