



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 15063 of 2021

and

WMP. No. 15959, 15960 of 2021

R. Murugan

.. Petitioner

Versus

1. The State of Tamil Nadu,
represented by the Secretary to
Government,
Tamil Development and Information
Department,
Fort St. George,
Chennai-9.

2. The District Collector,
Erode, Erode District.

.. Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned G.O. Ms. No. 40 of Tamil Development & Information Department, dated 26.2.2021 issued by the 1st respondent and quash the same consequently directing the respondents to fix the date of death anniversary of Maaveeran Pollaan as 10th day of May every year hereafter.

For Petitioner : Mr. S. Arunkumar

For Respondent : Mr. Stalin Abhimanyu,
Government Advocate



ORDER

The petitioner has come up with this Writ Petition seeking to call for the entire records relating to the order passed by the Government in G.O.Ms.No.40 of Tamil Development & Information Department, dated 26.2.2021 issued by the 1st respondent, quash the same and to direct the respondents to fix the date of death anniversary of Maaveeran Pollaan as 10th day of May every year hereafter.

2. The petitioner claims to be one of the descendants of Late. Pollan, who fought against the British regime during the Independence struggle. According to the petitioner, Late. Pollan was defeated by the British forces and hanged him near Odanilai Fort near Jayaramapuram Village, Modakurichi Taluk, Erode District on the 10th day of May 1805. However, it is contended by the petitioner that some miscreants have been misguiding, without any proof, and say that Maaveran Pollan died only on 17th July 1805, which is factually incorrect. Based on such misrepresentation, the Government also issued G.O. Ms. No.40 dated 26.02.2021 ordering to observe the death anniversary of the legendary leader on 17.07.1805. The petitioner therefore requested the State Government to observe the death anniversary of the slain leader only on 10th of every May by producing facts and figures, as it was on 10th May 1805, he was hanged to death. However, the respondents did not pass any order thereof and therefore, this writ petition is filed.

3. The learned counsel for the petitioner placed reliance on the documents annexed along with the typed set of papers to contend that in the impugned Government Order, the date of death of late freedom fighter has been erroneously recorded by the Government which has caused prejudice to the petitioner. The repeated representations sent by the petitioner did not yield any result and therefore, the learned counsel for the petitioner prayed for issuing appropriate direction to the respondents to alter the date of death of Maaveeran Pollaan as 10th day of May so as to commemorate the death anniversary of the great leader on the correct date of his death.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents. The petitioner assails the order passed by the



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Government in G.O. Ms. No.40 dated 26.02.2021 on the ground that the date of death of Late. Poolan, who fought against the British during independence struggle, has been erroneously recorded and his correct date of death is 10th day of May 1805 and it is only on that date his death anniversary has to be commemorated. Such a submission made by the counsel for the petitioner cannot be examined by this Court in exercise of the power under Article 226 of The Constitution of India. It has to be left open to the Government to consider the representation of the petitioner and to pass suitable orders thereof based on the facts and figures to be submitted by the petitioner. In such view of the matter, this Court decline to interfere with the order passed by the Government in G.O. However, it is open to the petitioner to submit a representation to the first respondent with necessary proof to substantiate his contention regarding the date of death of Late. Poolan. If any such representation is received, the first respondent shall examine the same and pass orders as expeditiously as possible.

5. Accordingly, this writ petition is disposed of. No costs. Consequently, connected WMP Nos. 15959 and 15960 of 2021 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr/rsh

1. The Secretary to Government,
Govt. of Tamil Nadu,
Tamil Development and Information Department,
Fort St. George, Chennai-9.
2. The District Collector,
Erode, Erode District.

WP No. 15063 of 2021

GPL(CO)
SB(29/09/2021)