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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-12-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.25407 of 2014

And

MP No.1 of 2014

1.N.Chinnapillai

2.C.Violet

.. Petitioners

vs.

1.The Sub Divisional Magistrate (Administration),
Sub-Collector,
Myladuthurai,
Nagapattinam District.

2.Inspector of Police,
Porayaar Police Station,
Tranquebar T.K.,
Nagapattinam District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the order of the first respondent in M.C.No.121/2014/Aa 1 dated 21.08.2014 and quash the same.

For Petitioners : Mr.C.Vigneswaran

For Respondents : Mr.T.Venkateshkumar,
Special Government Pleader.

ORDER

The order dated 21.08.2014 passed by the Divisional Magistrate (Administration), Sub-Collector under Section 117 Code of Criminal Procedure, is under challenge in the present writ petition.

2. The dispute arose between the two groups, which resulted religious conflicts in the particular locality. While celebrating Christmas, the other group created some trouble and this resulted in registration of a criminal case.



3. In order to settle the issues, Peace Committee Meetings were conducted and the first respondent initiated actions under the Code of Criminal Procedure. An enquiry was conducted and further the first respondent passed an order, directing the persons, who created trouble to execute bond for a sum of Rs.25,000/- for a period of six months. The said condition imposed by the first respondent is under challenge in the present writ petition.

4. This Court is of the considered opinion that considering the factual situation prevailing during the relevant point of time and considering the Police Investigation Report or Intelligence Report, the Competent Authority has taken a decision and more specifically, the first respondent has passed an order for execution of a bond. The condition is imposed in the public interest and to maintain the peace in that locality and further to avoid religious clashes between the groups. Prevention is more important in such circumstances as the religious clashes if created, it would be difficult for the Authorities to settle the issues.

5. The bond is directed to be executed to maintain law and order and peace in that locality. Such an effort taken by the first respondent can never be undermined and further this Court is of an opinion that certain field situation assessed by the Competent Authorities need not be interfered with by the High Court unnecessarily and in the absence of any contra evidence.

6. Thus, the petitioners are bound to comply with the directions and maintain good conduct and peace in that locality in the public interest. Thus, this Court is not inclined to interfere with the order passed by the first respondent, which is impugned. However, if any modification or otherwise is required on account of efflux of time, it is for the petitioners to approach the Competent Authority for any such modification or revision of the order.

7. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar



Svn

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To

1.The Sub Divisional Magistrate (Administration),
Sub-Collector,
Myladuthurai,
Nagapattinam District.

2.Inspector of Police,
Porayaar Police Station,
Tranquebar T.K.,
Nagapattinam District.

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PL(CO)
SB(13/12/2021)