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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.28919 of 2018

Kakkan Selvakumar
S/o.Rangasamy

...Petitioner

Vs.

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

2.The Inspector of Police,
Senthapatti Police Station,
Salem District.

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents to give police protection to the petitioner to conduct the Thursday weekly market in peaceful manner based on the petitioner's complaint dated 28.09.2018.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

(The Case has been heard through Video Conference)

This petition has been filed to direct the respondents to give police protection to the petitioner to conduct the Thursday Weekly Market in a peaceful manner based on the petitioner's complaint dated 28.09.2018.

2.The case of the prosecution is that the petitioner is successful bidder for conducting weekly market from the year 2016-17 to 2018-19. Though the licence was granted in favour of the petitioner, he suffered huge loss due to the continuous intervention. However, there was a communal dispute in between the petitioner's community and private respondent community and they are not permitting the temple car to enter the petitioner's street, for which the petitioner already filed a



case in Writ Petition No.10027 of 2013 before this Court praying to protect the community people from the other community persons who are mentioned in the complaint, giving frequent trouble to stall the business of the market by canvassing the merchants and other village people not to enter the market stating that the lease holder of the weekly market had filed a case before this Court and for which the temple car festival was stalled for more than 7 years. In view of the above interference, the present petition is filed.

3.Mr.M.Rajendiran, learned counsel for the petitioner would submit that though the licence was granted in favour of the petitioner for the year upto 2018-19, which period had already lapsed and that he did not receive instructions as to whether subsequent period is extended or not. Accordingly, he prayed this Court to pass appropriate orders in this matter.

4. Mr.C.E.Pratap, learned Government Advocate (Crl.Side) would submit that the licence was expired in the year 2019 itself and there is no proof filed before this Court regarding extension of the period. Subsequently, the licence period was extended in favour of the petitioner.

5.It appears that the petitioner was the successful licence holder for the period 2016 to 2019, however, he is not able to conduct the weekly market on the ground that the other community people were not permitting the petitioner to conduct weekly market, for which the present petition is filed. However, the facts reveals that the licence was expired in the year 2019 itself and there is no proof to prove before this Court and subsequently licence was granted or extended in favour of the petitioner. I am not inclined to give any relief in this petition. However, liberty is granted to the petitioner to file appropriate petition before the Court.

6.Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi

To

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



2.The Inspector of Police,
Sentharpatti Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras

+1cc to M/s.M.Rajendran, Advocate, S.R.No.31527

CRL.O.P No.28919 of 2018

JP-II (CO)
RGA (03/08/2021)