



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twenty Sixth day of November Two Thousand and
Twenty One

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD) No.6490 of 2021

IN

WP(MD) No.8621 of 2021

S.SUBRAMANIAN

... PETITIONER

Vs

- 1 THE STATE OF TAMIL NADU
REPRESENTED BY IT'S HOME SECRETARY,
SECRETARIAT, GOVERNMENT OF TAMIL NADU,
CHENNAI - 600 009.
- 2 THE DIRECTOR GENERAL OF POLICE,
DIRECTOR GENERAL OF POLICE OFFICE,
MYLAPORE,
DR.RADHAKRISHNAN SALAI,
CHENNAI - 600 004.
- 3 THE SUPERINTENDENT OF POLICE
DISTRICT HEAD POLICE OFFICE, TIRUNELVELI,
TIRUNELVELI DISTRICT.
- 4 THE DISTRICT COLLECTOR
COLLECTOR OFFICE, TIRUNELVELI DISTRICT.
- 5 THE SUB COLLECTOR
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 6 THE THASILDAR
TALUK OFFICE, SEEVALAPERI, SEEVALAPERI,
TIRUNELVELI DISTRICT.
- 7 THE INSPECTOF OF POLICE
SEEVALAPERI POLICE STATION,
TIRUNELVELI,
TIRUNELVELI DISTRICT
(CRIME NO. 94 OF 2021)

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pleased to issue an Interim Direction by directing the Respondents No.3 to monitor the investigation of the 7th respondent in Crime Number 94 of 2021 on the file of Seevalaperi Police Station.



Prayer in WP(MD). 8621/ 2021 :

Pleaded to issue a Writ of Mandamus or any other appropriate Writ or order or direction in the nature of Writ, directing the Respondent NO.1 to 7 to take appropriate legal action against the accused persons and pay compensation and provide government job to the members of the bereaved family and provide necessary police protection to the survey and earmark the Sudalai Madasamy Temply land which is situated in Survey No.1487-A and 1487-B, Seevalaperi Village, Palayamkottai Taluk, Tirunelveli District.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.HENDRI TIPHAGNE, Advocate for Mr.R.KARUNANIDHI, Advocate for the petitioner and of Mr.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

Heard the learned counsel on either side.

2. This writ petition has been filed by one S.Subramanian, S/o.Subbaiah Konar. His brother Chidhambaram @ Durai was murdered on 18.04.2021. Crime No.94 of 2021 was registered on the file of Seevalaperi police station for various offences including Section 302 of I.P.C. Investigation was undertaken and final report was filed. The case is presently pending for trial in S.C.No.528 of 2021 on the file of the Principal District Judge, Tirunelveli.

3. The learned Additional Public Prosecutor states that charges have already been framed and that the case was posted on 30.11.2021 for commencement of trial.

4. The occurrence attracted considerable attention in the media. It appears that there is also a communal angle. Be that as it may, this is a case in which the learned trial Judge shall bear in mind the statutory mandate set out in Section 309 of Cr.P.C.

5. Section 309(1) of Cr.P.C. contemplates that in every enquiry or trial, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded.

6. In view of the aforesaid statutory mandate, the learned trial Judge shall conduct the trial in S.C.No.528 of 2021 on day to day basis.

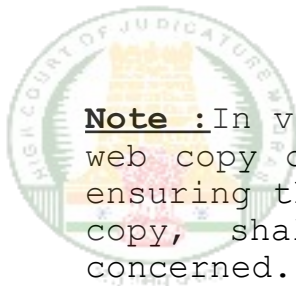
7. This petition is disposed of accordingly.

8. Registry to mark a copy of this order to the learned Principal District Judge, Tirunelveli.

sd/-
26/11/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE HOME SECRETARY,
STATE OF TAMIL NADU
SECRETARIAT, GOVERNMENT OF TAMIL NADU,
CHENNAI - 600 009.
- 2 THE DIRECTOR GENERAL OF POLICE,
DIRECTOR GENERAL OF POLICE OFFICE,
MYLAPORE,
DR.RADHAKRISHNAN SALAI, CHENNAI - 600 004.
- 3 THE DISTRICT COLLECTOR
COLLECTOR OFFICE, TIRUNELVELI DISTRICT.
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- 6 THE THASILDAR
TALUK OFFICE, SEEVALAPERI, SEEVALAPERI, TIRUNELVELI DISTRICT.
- 7 THE INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT
- 8 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE PRINCIPAL DISTRICT JUDGE,
TIRUNELVELI.

ORDER IN

WMP(MD) No.6490 of 2021

IN

WP(MD) No.8621 of 2021

Date : 26/11/2021

SA/VR/SAR.3/04.12.2021/3P/10C