



WEB COPY



W.P.No.16532 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.16532 of 2022

N.R.Vadivel

Petitioner

...

Versus

1. The District Collector,
Erode District, Erode.

2. The Superintendent of Police
Erode District, Erode.

3. The Revenue Divisional Officer,
Erode, Erode District

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents to conduct the Government Pollan Memorial Function at the place of R.S.No.693/2, Nallamangapalayam, Arachalur Village, Erode District which is suitable place by taking note of communication sent by the third respondent in his proceedings Na.Ka.2237/2019/B2 dated 28.05.2020 in every year.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.B.Vijay
AGP



W.P.No.16532 of 2022

ORDER

WEB COPY

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to conduct the Government Pollan Memorial Function at R.S.No.693/2, Nallamangapalayam, Arachalur Village, Erode District which is a suitable place by taking note of communication sent by the third respondent in his proceedings Na.Ka.2237/2019/B2 dated 28.05.2020.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

3. According to the petitioner, the third respondent in his proceedings dated 28.05.2020 has recommended the holding of the aforementioned event every year in the aforementioned place. The petitioner seeks for implementation of the proceedings dated 28.05.2020 issued by the third respondent.



W.P.No.16532 of 2022

4. A counter affidavit has been filed by the third respondent stating as

follows:

a) Only after rounds of deliberations and conciliation, the Tahsildar, Modakurichi has recommended for the allotment of the vacant land with an extent of 0.08.15 hectares in the total extent of 0.67.0 hectares in R.S.No.693/2 of Nallamangapalayam, Arachalur Village. Based on the said recommendation and suggestion of the majority of 10 organisations, the Revenue Divisional Officer, Erode has submitted the proposals to the District Collector, Erode in Na.Ka.2237/20198/B2 dated 28.05.2020 and recommended for allotment of land to an extent of 0.08.15 hectares out of the total extent of 0.67.0 hectares in R.S.No.693/2 of Nallamangapalayam, Arachalur Village. Due to COVID-19 pandemic situation, the further course of action on the allotment of the suitable land for the construction of memorial hall was kept in abeyance;

(b) It is submitted that the petitioner has filed W.P.No.24573 of 2018 for a direction to the respondents to permit him to pay homage to the Pollan Photo on any day to be fixed by the District Administration. This Court, by order dated 15.07.2019 issued the following direction:-



WEB COPY



W.P.No.16532 of 2022

“ 2. The First respondent has filed counter affidavit stating that such permission could not be granted from the point of law and order for the following reasons:-

(a) “ (a) One Thiru,R.Veeragopal, District Secretary, Athi Tamilara Peravai has claimed that freedom fighter Pollan was shot dead at Kasthuripalayam Village of Erode District, by British Army.

(b) But the Petitioner of this Writ Petition, Thiru.N.R.Vadivel, Arunthathiar Illaingar Peravai and District Organizer of Pollan History Retrieving Committee has claimed that the freedom fighter Pollan was killed by the British Army at Nallamangapalayam of Erode District.

(c) It was ascertained that the law and order situation will be in adverse, if permission was granted to celebrate the memorial day at Nallamangapalayam on 17.07.2019, at the stage of the where the freedom fighter would have been killed is not clearly known, when the two factions of same community have claimed that the freedom fighter was killed in different places.

(d)A case was registered in Crime No.146/2018 under Sections 143 and 188 of Indian Penal Code, 1860, at Arachalur Police Station against the petitioner of this Writ and two others for organising to celebrate the memorial day of Pollan at Arachalur though the permission was refused by the Police.

(e) in the same manner, another case was registered under Sections 143, 290, 153 and 188 of Indian Penal Code, 1860, at



W.P.No.16532 of 2022

Arachalur Police Station against Thiru.R.Veeragopal, District Secretary, Athi Tamilara Peravai for picketing and road roko at Arachalur for not giving permission to celebrate the memorial day of the freedom fighter.

(f) As on date 30(2) of the Police Act is in force.”

However, on the suggestion of this Court that the Memorial day of the freedom fighter could be observed by the District Administration by organising and making arrangements for the same, it is informed that such programme has been decided to be held at 10.00 a.m on 17.07.2019 at the Community Hall belonging to Modakurichi Town Panchayat located at Modakurichi, which is a premises belonging to the Government, by way of :-

(i) garlanding one photo of the Pollan on behalf of the District Administration;

(ii) allowing the public to pay homage within a specified time period by press release giving wide publicity in this regard.”

The statement made by the First Respondent in this regard in the counter affidavit is recorded.

3. The entire programme shall also be videographed by the respondents and a report shall be filed in this Court on the next day”.

(c) the third respondent conducted a memorial day of the freedom fighter on 17.07.2019 at community hall belonging to Modakurichi Town Panchayat located at Modakurichi by



W.P.No.16532 of 2022

garlanding one photo of the Pollan on behalf of the District Administration and allowed the public to pay homage within a specified time by press release giving wide publicity.

d) the request of the petitioner to conduct Freedom Fighter Pollan Memorial Function at R.S.No.693/2, Nallamangalapalayam, Archalur Village, Erode District is not feasible for consideration pending the proposal for allotment of lands. The Memorial day of Freedom Fighter Maaveeran Pollan may be observed on 17.07.2022 by the District Administration at the Community Hall belonging to Modakurichi Town Panchayat at Modakurichi Taluk .

5. After perusing the counter affidavit filed by the third respondent, learned counsel for the petitioner, would now submit that the petitioner will be satisfied if the representation of the petitioner dated 06.06.2022 requesting to conduct the Government Pollan Memorial Function at R.S.No.693/2, Nallamangapalayam, Arachalur Village, Erode District is considered on merits and in accordance with law on or before the schedule date of function i.e., 17.07.2022. Learned counsel for the petitioner would also submit, on instructions, that the petitioner will unconditionally abide by whatever decision the District Collector takes with regard to the request made by the petitioner for



W.P.No.16532 of 2022

holding the function at R.S.No.693/2, Nallamangapalayam, Arachalur Village,
Erode District.

6. No prejudice would be caused to the respondents if the petitioner's representation dated 06.06.2022 is considered on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 06.06.2022, requesting the first respondent to hold the Government Pollan Memorial Function at the place of R.S.No.693/2, Nallamangapalayam, Arachalur Village, Erode District on 17.07.2022 on merits and in accordance with law on or before 16.07.2022. It is made clear that this Court is not expressing any opinion on the merits of the respective contentions.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

11.07.2022



W.P.No.16532 of 2022

sr/vsi2

Index: Yes/No

Speaking Order/Non-Speaking Order

Note: Issue order copy on 11.07.2022

ABDUL QUDDHOSE, J

sr

To

1. The District Collector,
Erode District, Erode.
2. The Superintendent of Police
Erode District, Erode.
3. The Revenue Divisional Officer,
Erode, Erode District

W.P.No.16532 of 2022



WEB COPY



W.P.No.16532 of 2022

11.07.2022