



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD).No.12173 of 2022

S.Valamani Pandiyan : Petitioner

Vs

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

2. The Deputy Superintendent Of Police,
Srivaikundam,
Thoothukudi District.

3. The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.

4. The Inspector of Police,
Eral Police Station,
Thoothukudi District.

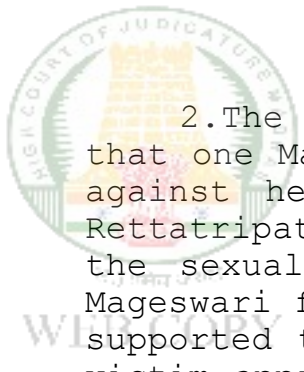
: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to permit the petitioner and the people of Srivaikundam Taluk to conduct peaceful protest near at Kamarajar Statue, Alwarthirunagari, against the inaction of the fourth respondent in the complaint made by one Mageswari of Sivagali Village.

For Petitioner : M/s. Angusamy V,
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents 1 to 3 to permit the petitioner and the people of Srivaikundam Taluk to conduct peaceful protest near at Kamarajar Statue, Alwarthirunagari, against the inaction of the fourth respondent in the complaint made by one Mageswari of Sivagali Village.



2.The learned Counsel appearing for the petitioner submitted that one Mageswari of Sivagali Village has made a sexual harassment against her superior officers in TVS Seenivasan Services Trust, Rettatiripathy, Sivaramangalam, but no action has been taken against the sexual offenders. Further, the Trust also removed the said Mageswari from her service. Another staff by name, Ulaganathan, who supported the victim was also removed from his service. Then, the victim approached the fourth respondent for taking action. But, no action was taken so that the social interested people of the Srivaikundam Taluk, have decided to demonstrate against the inaction of the respondent police. Hence seeking permission of the respondent police for conducting demonstration against the inaction of the respondents 1 to 4, this petition has been filed.

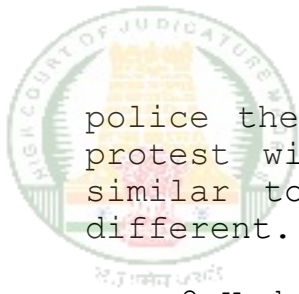
3.To support his argument, the learned Counsel appearing for the petitioner relied upon the judgment of this Court in W.P(MD) No.24878 of 2018, dated 19.12.2018, in Bala subramani Vs. Superintendent of Police, Karur District.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that with regard to the sexual harassment of Mageswari, so far she has not given any complaint to the police. The said Ulaganathan was removed from his service for some other reason. Hence, he instigated the local people, in the name of Mageswari to make a protest against the respondents 1 to 4.

5.Denying this, the learned Counsel appearing for the petitioner submitted that since the police had not taken any action, they filed a private complaint for taking action and the same is still pending.

6.Considering the matter in the light of the submissions made by both the parties and on a perusal of record, it reveals that it is alleged by the petitioner, one S.Valarmanipandian that one Mageswari was sexually harassed by her Superior Officers of TVS, Seenivasan Services Trust, Rettatiripathy, Sivaramangalam and made a complaint against them. But, did not take any action and then, she was removed from the trust service apart from her, one Ulaganath, who has supported the victim, was also removed from his service. Thereafter, the petitioner submitted an application before the fourth respondent to register a case and take action against the offenders. But, the fourth respondent did not take any action and the higher officials are also not taken any action.

7.On a perusal of records, it is seen that the complaint copy given by the Mageswari is not available in record and the learned Counsel appearing for the petitioner relied on the judgment of this Court, in W.P(MD)No.24878 of 2018, dated 19.12.2018. In that case, the petitioner is an agriculturist and social activist, he intended to express his protest against a corruptive officer, namely Mrs. Mithili, Zonal Deputy Thasildar, Karur by undertaking hunger strike. And further, it is seen that, the learned Judge directed the respondent



police therein, to grant permission for conducting peaceful hunger protest with imposing some conditions. But, that facts are not similar to the case in hand. In the case on hand is actually different.

8. Under these circumstances, the judgment relied on by the learned Counsel appearing for the petitioner is not supportive. Further, in the absence of complaint given by one Mageswari against the sexual offenders, this Court cannot direct the respondent police to permit the petitioner to conduct protest.

9. In view of the above, I find no merit in this writ petition and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

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

2. The Deputy Superintendent Of Police,
Srivaikundam,
Thoothukudi District.

3. The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.

4. The Inspector of Police,
Eral Police Station,
Thoothukudi District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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NSN (CO)

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