



WEB COPY



Writ Petition No.21262 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21262 of 2023
and WMP No.20673 of 2023

R.Vinothkumar
S/o.Ravikumar

...Petitioner

..Vs..

- 1.The District Magistrate-cum-Collector
Puducherry
Vazhudavoor Road, Pettaiyanchathiram
Puducherry 605 009.
- 2.The Commissioner
Puducherry Municipality
Kamban Kalaiarangam
Puducherry-605 005.
- 3.The Commissioner
Oulgaret Municipality
Jawahar Nagar
Puducherry-605 005.
- 4.The Senior Superintendent of Police
(Law & Order)
Maraimalai Adigal Salar
Near New Bus Stand
Orleanpet,Puducherry-605 001.



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5.The Superintendent of Police(Law & Order) East
Jawaharlal Nehru Street
Puducherry 605 001.

6.The Superintendent of Police Traffic (North-East)
Jawaharlal Nehru Street, Puducherry 605 001.

7.The Inspector of Police (Law and Order)
Grand Bazaar Police Station
Jawaharlal Nehru Street, Puducherry 605 001.

8.The Inspector of Police (Traffic)
Grand Bazaar Police Station
Jawaharlal Nehru Street
Puducherry 605 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 2 to 8 to implement the order passed by the 1st respondent under Section 133 of Cr.PC – No.1703/DRDM/DM/D2/2022/9977/5899, dated 27.9.2022 and take penal action against the violator of the order and file status report.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)

ORDER

This petition has been filed for the issue of a writ of mandamus directing the respondent Police to implement the order passed by the 1st respondent dated 27.09.2022 passed u/s 133 of CPC.



WEB COPY 2.Heard Mr.S.Pushpakaran, learned counsel for the petitioner and Mr.K.S.Mohandoss, learned Public Prosecutor (Puducherry) appearing on behalf of the respondents.

3.The learned Public Prospector (Puducherry) appearing on behalf of the respondents submitted that whenever the police went to the place to implement the order, there is strong resistance and hence, the order passed by the 1st respondent dated 27.09.2022 is not able to be implemented.

4.In the considered view of this Court, the 1st respondent has passed the order u/s 133 Cr.PC., after considering the entire facts and circumstances of the case. The 1st respondent has also taken note of the fact that the Government of Puducherry has identified a separate location and has built a Modern Hygienic Fish Market at Lawspet for doing fish trade and the same was not being put to use. Hence, the 1st respondent has issued necessary direction to ensure that the trade is carried out only in the fish market that has been identified.



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5. When implementing this order, there is bound to be some resistance and that cannot be a ground for the respondent Police not to strictly implement the order passed by the 1st respondent.

6. In view of the above, there shall be a direction to the 4th respondent to ensure that the order passed by the 1st respondent dated 27.09.2022, is implemented. The implementation shall take place within a period of **eight weeks** from the date of receipt of copy of this order.

7. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

8. Post this writ petition under the caption “for reporting compliance” on **15.09.2023**.

19.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
KP



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- 9.The Public Prosecutor,
Puducherry.



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N.ANAND VENKATESH, J

KP

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