



W.P.(MD)No.21705 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:08.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.21705 of 2023

C.Shanmugavel

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Inspector of Police,
Keela Paralachchi Police,
Paralachchi,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to permit the petitioner Community people around 50 persons to go to Paramakudi from Periya Cholandi Village via K.Vagaikulam, Kallakaari, Keelkudi, Thuththinatham Vilakku, Paralachchi, Melaiyur on 11.09.2023 to pay homage to Immanuel Sekaranar.



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For Petitioner : Mr.P.Subbiah

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Writ Petition is filed seeking for a Mandamus to the respondents 2 and 3 Police to permit 50 persons from the petitioner's Community to go to Paramakudi and pay homage on 11.09.2023.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner and his relatives about 50 persons intend to go to Paramakudi on 11.09.2023 in a private bus and the respondents Police are stated to have given an assurance that they would provide protection, but failed to respond to the representation given by the petitioner on 29.08.2023 and thereby, he sought for suitable directions.

3. The learned Additional Public Prosecutor appearing for the respondents Police submits that Section 144 Cr.P.C has been clamped preventing gathering of more than five persons on 11.09.2023 and the practice of imposing the orders under Section 144 Cr.P.C is in vogue since 2016 in order to avoid untoward incidents. It is further submitted



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that in the year 2014, a petrol bomb was hurled which has been taken five lives. The learned Additional Public Prosecutor appearing for the respondents Police has produced a sketch map showing the prohibition of using certain roads on that date. It is submitted that there was a huge law and order problem and strongly opposed for granting permission.

4. Once Section 144 Cr.P.C is stated to have been clamped, in case if a direction is given to the respondents Police to permit the petitioner to travel, it amounts to violating the directions of the Executive Magistrate. The learned Additional Public Prosecutor appearing for the respondents Police has filed a copy of Section 144 Cr.P.C promulgation.

5. It is submitted by the learned Additional Public Prosecutor appearing for the respondents Police that in the last year also, when the people were proceeding to pay homage in the same route, the other villagers have cut down the trees and blocked the road and therefore, the Police have got intelligence that the untoward incident is likely to happen. The learned Additional Public Prosecutor appearing for the respondents Police further submits that the Police have not received any



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representation from the petitioner and the petitioner has sent a representation to the District Collector. Though the learned counsel appearing for the petitioner submits that the petitioner has sent a representation on 30.08.2023 to the Superintendent of Police, there is no receipt or acknowledgement.

6. The learned Additional Public Prosecutor appearing for the respondents Police has produced the order issued in proceedings in COLREV/32075/2023-C2 dated 04.09.2023 under Section 144 Cr.P.C and the relevant paragraph is extracted hereunder:

5. Whereas, in order to maintain law and order, public peace and tranquility in Ramanathapuram District, hired vehicles carrying volunteers from other Districts during the Birth/Death Anniversaries of various leaders have to be prohibited. The personal vehicle drivers should carry original driving license and other connected documents.

7. In view of the above, in case if the orders are passed in this writ petition directing the respondents Police to provide Police protection, it amounts to violation of the orders passed by the learned



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District Magistrate and the District Collector, Ramanathapuram. As long as the petitioner has not challenged the proceedings issued by the District Collector, no orders can be passed in this petition.

8. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

08.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ssb

To

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Paralachchi,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

ssb

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