

W.P(MD)No.1446 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 29.01.2025
PRONOUNCED ON : 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD)No.1446 of 2025

Kannan @ Tamil Muthalvan

... Petitioner

Vs.

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

2.The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai,
Pudukottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or any Order or direction in the nature of a Writ calling for records pertaining to the impugned order in Na.Ka.No. 01.Pudukai/2025 dated 03.01.2025 of rejection passed by the 2nd respondent and quash the same and consequently directing the respondents to grant permission for conducting the democratic protest and agitation on 01.02.2025 at 10.00 a.m at Thilakar Thidal, Pudukottai.



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For Petitioner : Mr.P.Manokaran

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For Respondents : Mr.Hasan Mohamed Jinnah,
State Public Prosecutor assisted by
Mr.A.Damodaran,
Additional Public Prosecutor and
Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to quash the impugned rejection order, dated 03.01.2025 in Na.Ka.No.01.Pudukai/2025 passed by the 2nd respondent and consequently direct the respondents herein to grant permission for conducting democratic protest and agitation on 01.02.2025 at 10.00 a.m., at Thilakar Thidal, Pudukottai.

2.The learned counsel for the petitioner submitted that the petitioner is a President of “Arivu Samookam” Organization and he has been doing various social activities fighting for fundamental rights and human rights for the deprived people, particularly to Scheduled Caste community of his town Checkkanurani, Thirumangalam Taluk. He further submitted that the 2nd respondent in violation of the principles of natural justice rejected the application of the petitioner for holding demonstration, for the reason that the place is a busy place near bus stand, hospital and other public buildings. If the objection is for the place then alternate site could have been allotted for protest by the 2nd



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respondent Police. On the other hand, rejecting the application of the petitioner in toto is nothing but denial of fundamental right. The demonstration of the petitioner is only to awake the authorities and Government for their inaction to address the grievance and sufferings of the affected people and not to create disturbance to the public peace and tranquillity as apprehended. The Speakers detail furnished and there is no cause of incitement of any kind of violence during protest. The Police cannot arbitrarily misuse their power to curb a democratic expression of protest and scuttle freedom of speech. The denial of the 2nd respondent is totally arbitrary, without justification. Further, the rejection order not served to the petitioner and it was served to one Mr.Vembai Chinnadurai, a Member of the Protesting Group. The learned counsel further submitted that the impugned rejection order refers to Section 30(2) of Police Act said to be in force in Pudukottai Sub Division, further it is projected the place of protest is a public place with public movement comprising commercial buildings, hospital, bus stand and hence it would cause public disturbance. The place sought for by the petitioner is the place where all political parties and public spirited organizations conduct democratic protest. Since a democratic right of the petitioner attempted to be throttled and scuttled, the petitioner filed the present Writ Petition.



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3.The learned State Public Prosecutor appearing for the respondents submitted that the petitioner is attempting to ignite the sensitive issue now commonly called as “Vengaivayal”. The issue is that on 24.12.2022, one Kanagaraj lodged a complaint that his daughter, aged about 6 years, started vomiting and suffered from fever and, she was taken to Primary Health Centre, Cauvery Nagar and thereafter to Pudukottai Government Hospital on 25.12.2022. The Doctor informed that due to contamination in the drinking water, she suffered health issues. The drinking water to the village is supplied through overhead tank of 10,000 litre, the petitioner's village is predominantly inhabited by the Scheduled Caste community people. On 26.12.2022, the water was in turbid condition, emanating foul smell. Muthukrishnan S/o.Karupaiya and Sudharsan, S/o.Baskar claimed to the top of the overhead tank, found faecal matter floating on the water. Due to drinking of contaminated water from the overhead tank, several villagers vomited and suffered headache and fever. On the complaint of the Kanagaraj on 26.12.2022, Vellanur Police registered FIR in Crime No.239 of 2022 for offence under Sections 277 & 328 IPC r/w 3(1)(b), 3(1)(x) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Initially, the Jurisdictional Police conducted investigation,



collected the mobile phone of the suspects and collected turbid water and faecal matter sent to the forensic examination. In the meanwhile, the issue gained momentum by wide publicity and emotion out burst and dismay among the Scheduled Caste people. The political and social leaders started visiting the village holding speeches condemning the incident sought early justice. To have a fair and effective investigation, the Director General of Police on 14.01.2023 ordered transfer of investigation from the Local Police to CB-CID. The CB-CID took up investigation on 15.01.2023 and renumbered the FIR as Crime No.1 of 2023 for offence under Sections 277 & 328 IPC r/w 3(1)(b), 3(1)(x) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The CB-CID sleuths visited the scene of occurrence, prepared Observation Mahazar, Rough Sketch, enquired the witnesses, recorded their statements, collected the report from the Tamil Nadu Forensic Science Laboratory. They seized the mobile phones of the suspects. Since it came to light that several messages in connected with incident shared and photos deleted from the mobile phones, the mobile phones sent to Tamil Nadu Forensic Science Laboratory for retrieval of deleted files. In the meanwhile, the blood samples of the suspects collected, faecal matters sent to DNA test, the Call Detail Record (CDR)



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particulars and tower locations collected from the Service Providers.

Further, the details with regard to switching on the overhead water tank motor pump collected, the medical reports from the Dean, Pudukottai Medical College Hospital also collected.

4.It is further submitted that two months prior to the incident, a grama sabha meeting held on 02.10.2022. During the meeting, there was dissatisfaction with regard to maintenance of overhead tank, Vengaivayal villagers insisted to clean the tank and there was dispute in this regard between Muthaiya, husband of Mrs.Padma, President of Muthukadu Panchayat and Jeevanantham, father of Murualiraja/A1. The Ward Members statement recorded. In this case, the investigation conducted adopting both conventional and scientific method, examined 389 witnesses, collected 196 mobile numbers and 87 tower location datas. The accused were identified within the village of Vengaivayal. Finally, the investigation completed and charge sheet filed against A1/Muraliraja S/o.Jeevanantham for offence under Sections 227, 427, 201 r/w 109 IPC and A2/Sudharsan S/o.Baskaran and A3/Muthukrishnan S/o.Karupaiya for offence under Sections 227, 427, 201 IPC.



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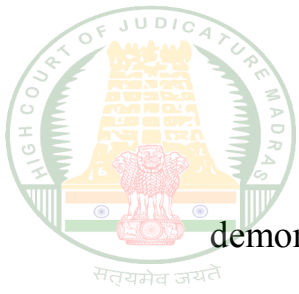
5.He further submitted that the scientific evidence confirmed the involvement of the accused in this case who hail from the village and ruled out involvement of outsiders. If any victim is aggrieved on the investigation, now charge sheet filed, they can file appropriate petition before the concerned Court seeking redressal and not by holding demonstration casting aspersions on the investigation. Some vested interest people want to keep the issue alive by holding demonstrations to attract the media attention and also for their self propagation. This would be detrimental to law and order and would jeopardize smooth conduct of the trial in this case. Holding demonstration and addressing media would amount to media trial and not trial based on evidence and materials collected. Finding that the demonstration would ignite law and order issues and the situation still volatile and possibility of creating public disharmony possible, the 2nd respondent rejected the permission sought by the petitioner. In this case, the State took all effective steps in ensuring the investigation conducted dispassionately by transferring the investigation to CBCID and forming special team. Even before demand for change of investigation, the Director General of Police transferred the case to CB-CID who followed all modes of investigation. The electronic evidence collected from the mobile phones of the accused proved their



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involvement in commission of the offence. Now, the investigation completed and charge sheet filed, hence there is no reason for any demonstration and the the impugned rejection order needs no interference and this Writ Petition is liable to be dismissed.

6.Considering the submissions and on perusal of the materials, the investigation time line and status report filed by the respondents, it is seen that FIR registered on 26.12.2022 on the complaint of the defacto complainant/Kanagaraj. Thereafter, the investigation transferred to CB-CID based on the order of the Director General of Police on 14.01.2023. During investigation, mobile phones of the accused and suspects collected. It was found that photos and videos deleted, the same were retrieved by the Tamil Nadu Forensic Science Laboratory and report received. The electronic evidence and medical evidence confirm the investigation proceeded on the right direction. The investigation conducted adopting both conventional and scientific method. After recording the statements of witnesses, collecting electronic evidence, medical evidence and other materials, investigation completed and now charge sheet filed before the Trial Court arraying three persons as accused. Now investigation completed and charge sheet filed, holding of



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demonstration may not be proper. The Trial Court to decide the case on the evidence and materials produced.

7.In the event of any victim aggrieved, they can approach the Trial Court, file appropriate petition and produce materials in support of their contention questioning the investigation and not by holding demonstration or conducting a media trial which would only jeopardize fair trial of the case.

8.In view of the above, this Court is not inclined to interfere with the impugned rejection order, dated 03.01.2025 in Na.Ka.No. 01.Pudukai/2025 passed by the 2nd respondent Police and the same is hereby confirmed. Accordingly, this Writ Petition is dismissed. No costs.

01.04.2025

Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
Index : Yes/No
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To



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M.NIRMAL KUMAR, J.

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Pudukottai District,
Pudukottai.
- 2.The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai, Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

PRE-DELIVERY ORDER IN
W.P(MD)No.1446 of 2025

01.04.2025