

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2016

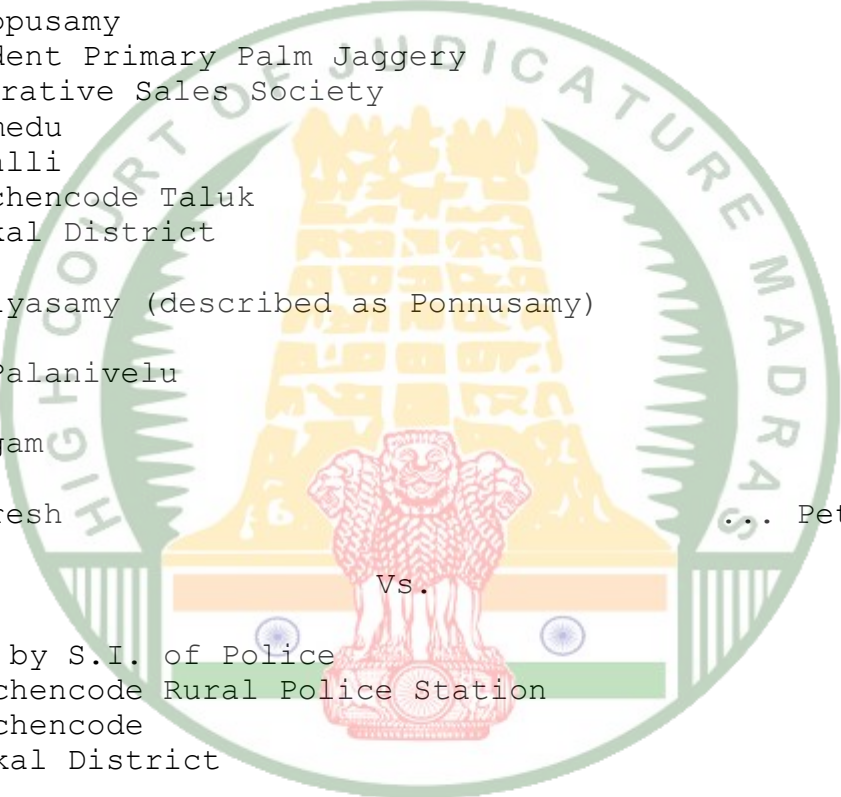
CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.2625 of 2016

and

Crl.M.P. No.1377 of 2016

- 
1. R. Kuppusamy
President Primary Palm Jaggery
Cooperative Sales Society
Ponnimedu
Molipalli
Thiruchencode Taluk
Namakkal District
 2. C.Periyasamy (described as Ponnusamy)
 3. S.P. Palanivelu
 4. Arumugam
 5. S. Suresh
- Vs.
1. State by S.I. of Police
Thiruchencode Rural Police Station
Thiruchencode
Namakkal District
 2. The Sub Divisional Executive
Magistrate-cum-Revenue Divisional Officer
Thiruchencode
Namakkal District

... Petitioners

... Respondents

Criminal Original Petition filed under Section 482
Crl.P.C. to call for the proceedings relating to the order
dated 08.01.2016 made in M.C. No.10/2015/C passed by the
second respondent and quash the same.

For Petitioners : Mr. S. Senthilnathan
No appearance

For Respondents : Mr. C. Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to call for the proceedings relating to the order dated 08.01.2016 made in M.C. No.10/2015/C passed by the second respondent and quash the same.

2. On account of boycott of Courts, there is no representation on the side of the petitioners. However, in Harish Uppal [Ex.Capt.] Vs Union of India reported in [2003] 2 SCC 45, the Supreme Court has held that boycott of Courts is illegal and therefore, this Court heard the learned Additional Public Prosecutor appearing for the respondent-State and went through the records and passes the following order:

3. The land in 184/1, 185/1,2 and 186/1A1 measuring 26.65 acres in Molipalli Village, Thiruchencode Taluk is owned by Salem District Palmyra Jaggery Cooperative Marketing Federation Ltd., Salem and there are two buildings in the land owned by the society. The said society is not functioning for the last several years. Salem District Palmyra Jaggery Cooperative Marketing Federation Ltd. passed a resolution to rent out those buildings to the Perunthalaivar Kamarajar Educational and Charitable Trust, Tiruchencode, for a period of 11 months for running tailoring and computer training classes to poor people. The Trust issued pamphlets for the inaugural ceremony on 27.12.2015. The petitioners herein are opposing the venture and they had decided to hoist black flags on roof top of their houses. Since police anticipated law and order problem, a case in Crime No.590 of 2015 was registered and the matter was referred to the Tahsildar, Tiruchengode, who issued notice under Section 111, Cr.P.C. to the petitioners herein calling upon them to appear before him. The petitioners appeared before the Tahsildar and gave their explanation, with which the Tahsildar was not satisfied, pursuant to which, the Tahsildar has passed the impugned order directing the petitioners to maintain peace and execute interim bond for a sum of Rs.10,000/-, challenging which, the petitioners are before this Court.

4. The Revenue Divisional Officer, Tiruchengode Taluk, has filed a counter stating that serious law and order problem was anticipated on account of the agitation announced by the petitioners resulting in the aforestated proceedings before the Tahsildar.

5. In the considered opinion of this Court, hoisting of black flags at the roof top of the houses cannot be banned as people are entitled to show their protest in a peaceful manner. However, the petitioners cannot be allowed to prevent the Charitable Trust from conducting tailoring and computer classes for rural poor children, just because the petitioners are against computerisation. It is after all, the choice of

the people to join classes which cannot, in any way, be prevented. This Court does not find any serious infirmity in the order passed by the second respondent.

In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Sub Inspector of Police
Thiruchencode Rural Police Station
Thiruchencode
Namakkal District
2. The Sub Divisional Executive
Magistrate-cum-Revenue Divisional Officer
Thiruchencode
Namakkal District
3. The Public Prosecutor
High Court of Madras
Chennai 600 104

Copy To

The Revenue Divisional Officer,
Tiruchencode.

सत्यमेव जयते

+1cc to Mr.Senthil Nathan, Advocate, S.R.No.37178

CrI.O.P.No. 2625 of 2016

MG(CO)
CA(22/07/2016)

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