
(1938) 03 MAD CK 0041
In the Madras High Court

Shanmuga Pandaram

APPELLANT

Vs

K. Ponnuswami Aiyar and Others

RESPONDENT

Date of Decision : 28-03-1938

Acts Referred:

Citation : AIR 1938 Mad 714 : (1938) 47 LW 741 : (1938) 2 MLJ 160

Hon'ble Judges : Horwil, J;Horwell, J

Bench : Division Bench

Judgement

Horwell, J.—In 1936 the Adi Dravidas of Peralam began to conduct Processions in honour of Sri Thiruvalluvar, to the annoyance of the caste residents of the village. On the occasion I which this Criminal Revision Case relates they wished to take a procession through the four streets along which the car is taken at the annual car festival and through which the caste Hindus conduct their procession. The Stationary Sub-Magistrate, Nannilam, and the Additional District Magistrate of fan ore were of opinion that the Adi Dravidas were putting forth fresh claims and thereby causing annoyance to the residents of Peralam who have houses on the processional route; and an order u/s 144 was therefore passed.

2. Although the order u/s 144 has long ago worked itself out; yet it is urged for the petitioner that this petition should be considered on its merits, as otherwise the same situation will arise in subsequent years. There can be no doubt that the Adi-Dravidas have a civil right to take a procession along all public streets, just as any other persons may have : whereas the caste residents have no right at all to object. Ordinarily, those responsible for law and order should see that persons exercising their rights have the support of the Police and the Magistracy; but cases do of course arise where in the interest of public peace, persons should be prevented from exercising their rights. If the Adi-Dravidas, for example, are anxious to conduct this procession, not to honour Sri Thiruvalluvar, but in order to irritate and annoy the caste residents of those streets, then the Magistrate would be justified in placing some restraint upon their processions; but unless the Magistrate is satisfied that the Adi-Dravidas had no bona fide desire to do

honour to the Saint he should not pass an order u/s 144 unless he is quite satisfied that there is no other means within his power of preventing a breach of the peace. The fact that the Adi-Dravidas have been exercising restricted rights in the past was rightly taken into account; but it is not itself a sufficient ground for refusing them protection in the exercise of their full rights. With these remarks this petition is dismissed.