



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM:

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.14683 of 2015

and

M.P (MD) No.1 of 2015

D.Athichandren

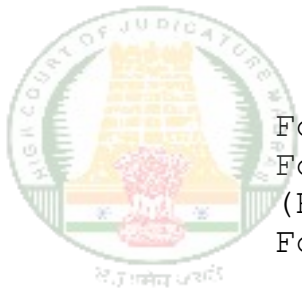
... Petitioner

Vs

1. The State of Tamil Nadu rep by
its Secretary,
Department of Home,
Fort St.George,
Chennai.
2. The District Collector,
Kanyakumari,
Kanyakumari District.
3. The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District
4. The Superintendent of Police,
Kanyakumari,
Kanyakumari District.
5. The Inspector of Police,
Nagrecail,
Kanyakumari District.
6. S.Selvaraj,
The President,
Athalavenai Village Panchayat,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action against the sixth respondent for ex-communication of the petitioner and to provide necessary protection to ensure the civil right of the petitioner provided under law.



For Petitioner : Ms.T.K.Akalya
For Respondents : Mr.D.Muruganandham,
(R1 to R5) Addl. Govt. Pleader.
For Respondent No.6 : Mr.P.T.Ramesh Raja

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ORDER

The petitioner seeks for a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action against the sixth respondent for ex-communication of the petitioner and to provide necessary protection to ensure the protection of Civil Right of the petitioner provided under law.

2. Counsel appearing for the petitioner would submit that the petitioner is residing at Athalavenai, Agasthiswaram Taluk, Kanyakumari District. In the said village, a group of persons headed by the sixth respondent, are conducting katta panchayats. According to the petitioner, the people, who questioned about the non-supply of prasadam in a temple, were ex-communicated by the said persons. The petitioner has also been ex-communicated for the reason that he had conversation with them and due to which, he could not attend festivals in the village and further he is unable to contact his parents. Therefore, he made a representation to the second respondent for taking necessary action. But, no action was taken. Hence, he once again made representation to the respondents 2 to 5. They also did not take any action, according to the petitioner. Therefore, he has come forward with the present writ petition for the aforesaid relief.

3.The fifth respondent viz., Inspector of Police, Nagercoil, Kanyakumari has filed a counter stating that in connection with the ex-communication, on the complaints of one Bharathy and janaki, cases were registered in Crime Nos.430 and 431 of 2015. On 10.09.2015, he registered a case against the sixth respondent and 24 others in Crime No.461 of 2015 and a case against one Appadurai and 15 others in Crime No.462 of 2015 has been registered and the same were pending before the third respondent. Now, adequate police protection was given and the people are living peacefully and therefore prayed for dismissal of the writ petition.

4.The sixth respondent has filed a counter affidavit, wherein it is stated that all the averments made in the writ petition are false. The parents of the writ petitioner expired long back and their bodies were buried in his property. The petitioner did not give about the details of the ex-communication. The allegations made in the petition are false and hence, prayed for dismissal of the writ petition.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The Additional Government Pleader appearing for the official respondents submitted that two criminal cases were filed



against the said persons and two cases were pending before the third respondent and now the people are living peacefully. He would further submit that the parents of the petitioner died as early as in 1989 itself.

6. At this juncture, the petitioner submitted that the submission of the official respondents may be recorded.

7. The statement of the official respondents is recorded. While disposing of the writ petition this Court makes it very clear that, when the petitioner filing an affidavit he should be very careful and he cannot make a false averment of that a dead person was alive. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Department of Home,
Government of Tamil Nadu,
Fort St.George, Chennai.
2. The District Collector,
Kanyakumari,
Kanyakumari District.
3. The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District
4. The Superintendent of Police,
Kanyakumari,
Kanyakumari District.
5. The Inspector of Police,
Nagrecoil,
Kanyakumari District.

- + 1 CC TO MR.P.T.RAMESH, ADVOCATE IN SR NO. 72088
- + 1 CC TO M/S.AJMAL ASSOCIATES, ADVOCATE IN SR NO. 71883
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 72248

MPK

TE/SK-SKN/ : 12/01/2016 : 3P/9C