

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 25609 of 2012

and

M.P. No. 1 & 2 of 2012

K. Raji

..Petitioner

Vs.

1. The District Collector
Vellore District
Vellore.
2. The Superintendent of Police
Vellore District
Vellore.
3. The Revenue Divisional Officer
Thirupattur
Vellore District
Vellore.
4. The Tahsildar
Ambur Taluk Office
Ambur
Vellore District.
5. The Inspector of Police
Ambur Taluk Police Station
Ambur
Vellore District.

6. Chinnasamy
7. Srinivasan

8. Sivalingan

9. Mani

10. Kuppan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to hold an enquiry under the supervision of first respondent in Nayakanari Village, Ambur Taluk, Vellore District based on the representation dated 7.7.2012 given by the petitioner with regard to the ex communication order passed by the Katapanchayatars 7th to 10th respondents at the instance of 6th respondent against the petitioner and his family members and to take action against them in accordance with law and also to direct the Katapanchayatars 7th to 10th respondents to pay compensation as fixed in the enquiry and pass further orders.

For Petitioner: Mr. T. Muruganantham

For Respondent: Mr. S. Navaneethan,
Addl.G.P for R1 to R5
No appearance for R6 to R10

ORDER

This writ petition has been filed praying to direct the 3rd respondent to hold an enquiry under the supervision of 1st respondent in Nayakanari Village, Ambur Taluk, Vellore District, based on the representation dated 7.7.2012 given by the petitioner and to take action against them in accordance with law and also to direct the Katapanchayatars 7th to 10th respondents to pay compensation as fixed in the enquiry.

2. Learned counsel for the petitioner submitted that the petitioner is an agriculturist and is the owner of the properties situated in Survey No.100/1A, 100/4A, 101/2A, 67/16, 74/2A3, 74/3C, 74/4B and 82/13 in Nayakanari Village, Ambur Taluk, Vellore District. On 21.02.2012 and 31.05.2012, his brother the 6th respondent and his family members along with rowdy elements, trespassed into the property of the petitioner. Hence, the petitioner filed a civil suit in O.S. No.70/2012 and the Principal District Munsif, Ambur granted interim injunction restraining the 6th respondent and his members from interfering in the peaceful possession of the petitioner. In spite of that, the 6th respondent trespassed and took away 5 ½ tons of mangoes. Therefore, the petitioner lodged a complaint to the 5th respondent but no action was taken. The 6th respondent placed a complaint before the village panchayats, respondents 7 to 10 herein, who conducted katapanchayat and ex-communicated the petitioner and his family members from the village and also imposed a fine of Rs.15,000/-. Learned counsel further submitted that the petitioner was not permitted to bury his son's body, who died in an accident. Since the petitioner and

his family is facing immense trouble by the 6th respondent and the village panchayats respondents 7 to 10, a complaint dated 07.07.2012 was lodged by the petitioner to the respondents 1 to 5. As no action was taken by the police authorities, this writ petition has been filed.

3. Learned Special Government Pleader would submit that as stated by the petitioner, if the representation of the petitioner dated 07.07.2012 is still pending, the same would be considered, in accordance with law.

4. Heard Mr. T. Muruganantham, learned counsel for the petitioner and Mr. S. Navaneethan, Additional Government Pleader for the respondents 1 to 5.

5. On 20.12.2012, this Court has passed an interim direction to the 5th respondent, to restrain the respondents 6 to 10 from conducting any type of kattapanchayat against the petitioner and his family members and not to harass them. Considering the facts and circumstances of the case and considering the interim direction dated 20.12.2012, if no enquiry is conducted as yet, this Court is inclined to direct the respondents 2 to 4, to conduct an enquiry on the representation dated 07.07.2012, on merits and in accordance with law, as expeditiously as possible, not later than three months from the date of receipt of a copy of this order, after providing an opportunity to the parties concerned.

6. The Writ Petition is disposed of, on the above terms. Consequently, the connected M.Ps are closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

avr

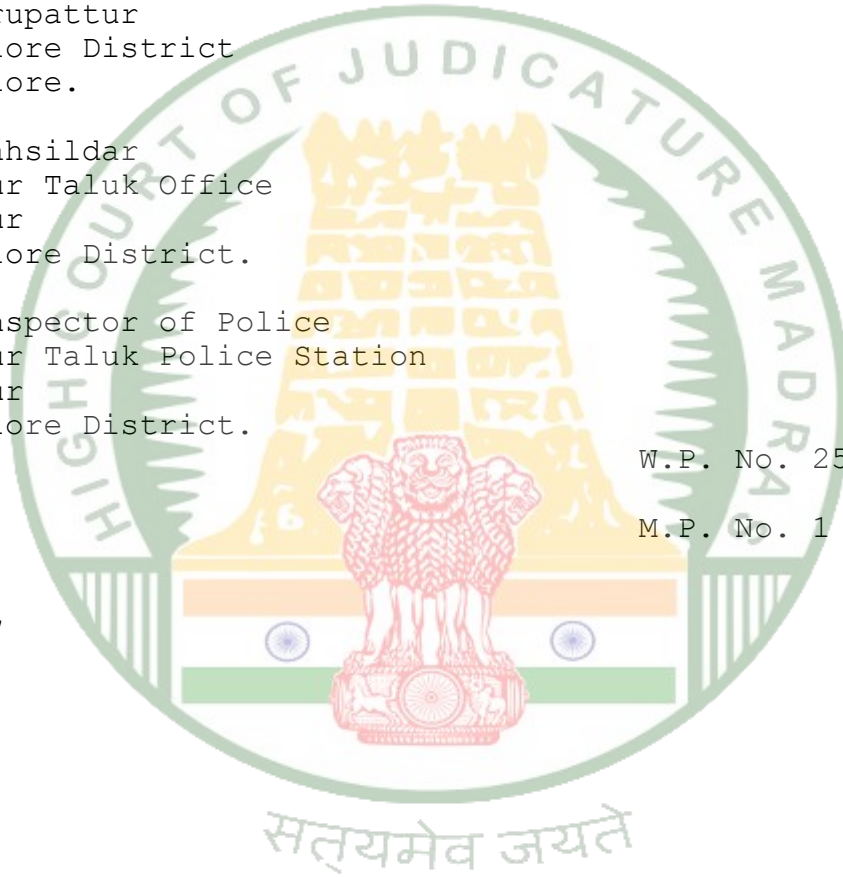
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To

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KS (CO)
EU 23.1.17



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