

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 3999 of 2013

K.Sundara Rajan

...Petitioner

Vs

- 1.The Secretary to Government,
Home Department,
Fort George,
Chennai.
- 2.Director General of Police,
Office of Director General of Police,
Dr.Radhakrishnan Salai,
Shanthome Church Road,
Chennai.
- 3.The District Collector,
Office of the District Collector,
Cuddalore District.
- 4.Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Cuddalore District.
- 5.Superintendent of Police,
Office of the Superintendent of Police,
Cuddalore District.
- 6.The Thasildar,
Office of the Thasildar,
Chidambaram.
Cudalore District.
- 7.Sub-Inspector of Police,
Parangipettai Police Station,
Chidambaram,
Cudalore District.

8.Mr.K.Kanagasabai

9.Mr.V.Subramoniam

10.Mr.P.mariappan

11.Mr.V.Mayavan

12.Mr.T.Shanmugam

13.Mr.A.Anbalagan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to take action against the respondents 8 to 13 for having involved in kattapanchayat and forcing the petitioner to stay away from the village continuously for the past 14 years and forcing the other villagers not to talk or have any correspondence with the petitioner and prohibiting from entering the public temple namely "Angalamman Koil" and forcing the petitioner to act as per their direction and lift the illegal Ex-Communication order passed by the village panchayat on 12.05.1998 from Ex-communicating the petitioner from village and consequently ensure that the properties of the petitioner in respect of Door No.1A Salangaikaran East Street Parangipettai, Cuddalore District and restored back to the petitioner in possession of property by taking necessary step.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.S.T.Jayanthi
Special Government Pleader for R1-R7
Mr.S.Dakshinamoorthi for R8-13

O R D E R

The relief sought for in the present writ petitioner is for a direction to direct the respondents 1 - 7 to take action against the respondents 8 - 13 for having involved in Kattapanchayat forcing the petitioner to stay away from the village continuously for the past 14 years and forcing the other villagers not to talk or have any correspondence with the petitioner and prohibiting from entering the public temple namely "Angalamman Koil" and forcing the petitioner to act as per their direction and lift the illegal Ex-Communication order passed by the village panchayat on 12.05.1998 from Ex-communicating from village and consequently ensure that the

properties of the petitioner in respect of Door No.1A Salangaikaran East Street Parangipettai, Cuddalore District and restored back to the petitioner in possession.

2. The Learned Counsel appearing on behalf of the writ petitioner states that, the respondent 8-13 have ex-communicated the writ petitioner from the village and not allowing them to participate in the temple festivals and entering into the village. The complaints in this regard by the writ petitioner went in vain. Thus the petitioner is constrained to move the present writ petition.

3. The Learned Special Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the allegations set out in the writ petition are false. The Superintendent of Police, Cuddalore District conducted a personal enquiry with the villagers and found that the writ petitioner was not Ex-communicated and he is at liberty to enter in to the village and to participate in the temple festivals. In this regard, para 9, 10 and 11 of the counter affidavit filed by the Superintendent of Police states about the facts regarding the case of the writ petitioner. The said paragraphs are extracted below:-

"9.Regarding the averments made in para No.11 if the affidavit it is submitted that the contentions of the petitioner that the district authorities conducted several peace committees and that the eight respondent continuously not permitting him to enter inside the village and also not permitting others to mitigate with him in the village., are totally imaginative and not lenable ones.

10. Regarding the averments made in para No.12 of the affidavit it is submitted that the said Angalamman Koil temple functions have been carried out during the month of January by all the villagers collectively and hence it is not correct to state that the eight respondent to 13th respondents alone were responsible for conducting such kovil functions and that they had prohibited him as well as 60 others families from entering in the village particularly those 60 families were participated in the festival.

11. Regarding the averments made in para No. of the affidavit it is submitted that the compliant given by the petitioner to the authorities was received by the Inspector of Police Parangipettai PS who conducted an enquiry by calling both parties of the disputes namely the petitioner on one side and eight respondents along with his party mentioned in the petition. During which it was ascertained properly that the alleged money transactions between the

petitioner and 8th respondent were taken place in abroad and there was no such incident of any Kattapanchayath over this village and nobody prohibited the petitioner or his party from entering into the village as claimed by him nor they had been ex-communicated by the co villagers at any point of time during the past, It was also promised by the villagers that they would abide by any decision arrived by this Honorable Court as there is presently a petition pending as filed by the petitioner."

4. This Court is of an opinion that the writ petitioner cannot be ex-communicated nor can be prevented from entering into the village or to participate in the temple festivals. Superintendent of Police also ensured that the entry of the writ petitioner is not restrained by the villagers or by the respondents 8 - 13. In view of the factual recording made by the Superintendent of Police, no further consideration is required in respect of the grounds raised in the present writ petition. Further the allegations set out in the writ petition itself states that the respondents 8 - 13 ex-communicated the writ petitioner on 12.05.1998 now after the lapse of 20 years. The relief sought for in the present writ petition deserves no merit consideration and the change of time will change the minds of the people and now all the parties are crossed 50 years of age and this Court fervently hope that they understand the value of human relationship and social living and act according to their conscious. The writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

सत्यमेव जयते Sub Assistant Registrar

jas/pkn

To

1.The Secretary to Government,
Home Department,
Fort George,
Chennai.

2.Director General of Police,
Office of Director General of Police,
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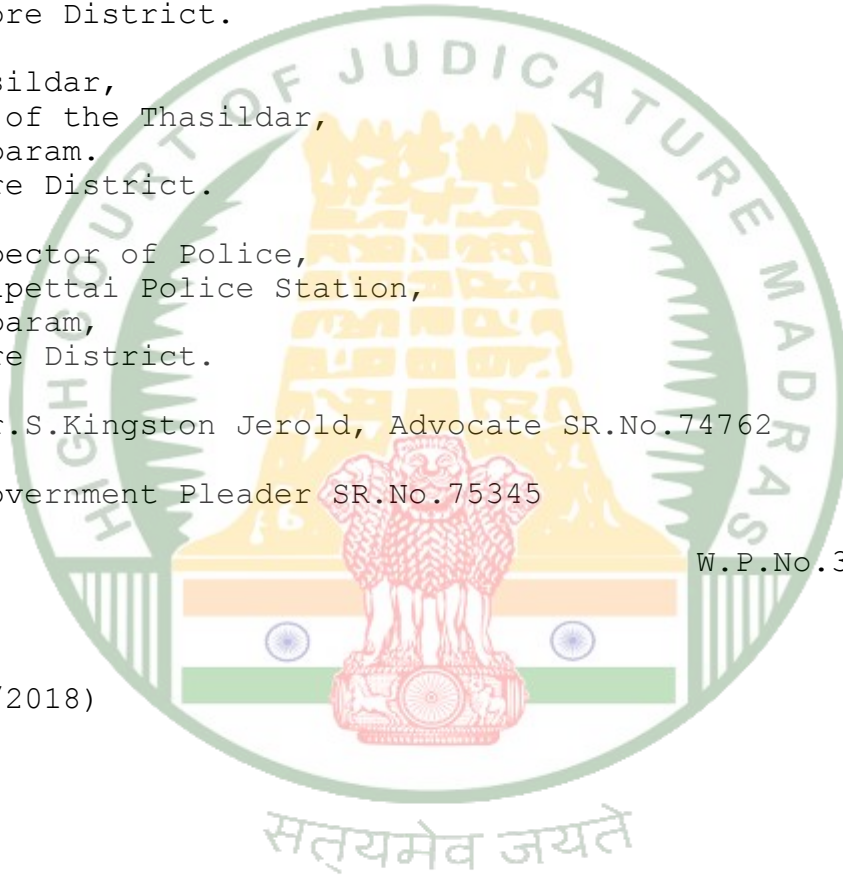
+1cc to Mr.S.Kingston Jerold, Advocate SR.No.74762

+1cc to Government Pleader SR.No.75345

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GJ II (CO)

GMV (29/11/2018)



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