



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.8697 of 2018

K.Elango

... Petitioner

Vs.

1. The District Collector,
Thanjavur District.
2. The Revenue Divisional Officer,
The Office of Revenue Divisional Office,
Thanjavur District.
3. The Thasildhar,
The Taluk Office,
Orathanadu, Thanjavur District.
4. The Superintendent of Police,
The Office of Superintendent of Police,
Thanjavur District.
5. The Deputy Superintendent of Police,
The Office of Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.
6. The Sub-Inspector of Police,
Orathanadu Police station,
Orathanadu Taluk,
Thanjavur District.

7.Kasivel

8.V.Chelladurai

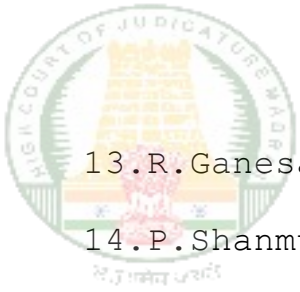
9.C.Thirusankku

10.M.Dhaknamoorthy

11.N.Kaliyamoorthy

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

12.R.Muthuvel



13.R.Ganesan

14.P.Shanmugham

15.K.RajeevGandhi

16.R.Rengadurai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 6 to ensure that the fundamental rights of the petitioner be safeguarded by taking appropriate action against respondents 7 to 16 for ex-communicating / social boycott the petitioner, by considering the representation of the petitioner dated 23.10.2017.

For Petitioner : Mr.R.Suresh Kumar

For R1 to R6 : Mr.P.Kannidevan
Additional Government Pleader

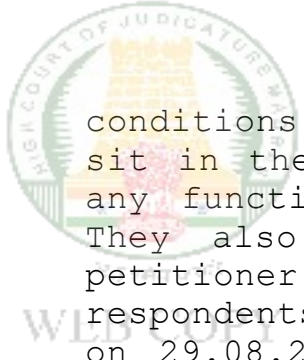
For R7 to R16 : Mr.S.Deenadhayalan

ORDER

This Writ Petition has been filed, seeking a direction, directing the respondents 1 to 6 to consider the representation of the petitioner dated 23.10.2017, to ensure that the fundamental rights of the petitioner be safeguarded, by taking appropriate action against respondents 7 to 16 for ex-communicating / social boycott the petitioner.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 6 and the learned counsel appearing for the respondents 7 to 16.

3. According to the learned counsel for the petitioner, the petitioner is a native of Chillathoor Village, Orathanadu Taluk, Thanjavur District and living with his wife, 11 months old child and his mother. He is working as a cooking organizer. He is a physically challenged person. On the instigation of the father of the petitioner, the seventh respondent herein, the petitioner was compelled to attend village kattapanchayat on 27.08.2016, wherein it has been stated that all the properties belongs to the seventh respondent shall be handed over to the seventh respondent and the petitioner should not reside in the said village and also to pay a sum of Rs. 7,00,000/- (Rupees Seven Lakhs only) to the Kattapanchayat. Since, the petitioner refused to obey the



conditions imposed in the Kattapanchayat, he was not permitted to sit in the public place, to enter the temple, to participate in any function and he was preventing from cultivating his lands. They also compelled the other villagers to disassociate the petitioner. Therefore the petitioner was ex-communicated by the respondents 7 to 16. Hence, the petitioner has made a complaint on 29.08.2016 to the respondents 1 to 4. In this regard, the second respondent had sent a communication dated 31.08.2016 in Om.Mu.411/2016/A3 to the third respondent, for filing report on the petitioner's representation, but no enquiry had been conducted. On 06.09.2016 another complaint has been sent to the fourth respondent. Thereafter, on 23.09.2016, the first respondent has sent a communication in Na.Ka.No.20000/2016, E1, dated 23.09.2016 to the fourth respondent, requesting him to initiate action for the offence of social boycott. Finally, on 23.10.2017 the petitioner sent a representation to the respondents 1 to 6 herein, to safeguard the petitioner from the respondents 7 to 16 for ex-communicating him from his village.

4.The learned counsel for the petitioner further submitted that, the third respondent had conducted an enquiry and both parties had appeared for enquiry and vide his proceedings in Na.Ka.03/2018/A7 dated 14.06.2018, stating that there is no ex-communication by the respondents 7 to 16, therefore the said complaint was rejected.

5.Counter affidavit has been filed by the seventh respondent and also on behalf of the respondents 8 to 16, wherein, in Paragraph-8, it is stated that the respondents 7 to 16 assures that there is no excommunication or kattapanchayat had taken place against the writ petitioner and also there is no harassment at the hands of the respondents 7 to 16.

6.Recording the aforesaid submissions of the respondents 7 to 16, the petitioner is at liberty to make a fresh representation to the concerned authorities, in future, if necessary.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.hc.madras.gov.in/hcservices/> Collector,
Thanjavur District.



2. The Revenue Divisional Officer,
The Office of Revenue Divisional Office,
Thanjavur District.

3. The Thasildhar,
The Taluk Office,
Orathanadu,
Thanjavur District.

4. The Superintendent of Police,
The Office of Superintendent of Police,
Thanjavur District.

5. The Deputy Superintendent of Police,
The Office of Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.

6. The Sub-Inspector of Police,
Orathanadu Police station,
Orathanadu Taluk,
Thanjavur District.

+ 1 cc TO Mr.Deenadhayalan , Advocate in SR No. 72866
+ 1 cc TO Mr.R.Suresh Kumar , Advocate in SR No. 72867
+ 1 cc TO The Special Government Pleader in SR No. 73015

pnn

AE/SKN RSK/SAR4/30.07.2018/4P/10C

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