

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2019

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.3987 of 2007  
and M.P.No.2 of 2007

Mr.R.Vadivel

...Petitioner

vs.

- 1.The Government of Tamil Nadu,  
Rep. by its Secretary, Home Department,  
Fort St.George,  
Chennai - 600 009.
- 2.The Director General of Police,  
Tamil Nadu Police,  
Chennai.
- 3.The District Collector,  
Collector's Office,  
Dharmapuri.
- 4.The District Superintendent of Police,  
Dharmapuri District.  
Dharmapuri.
- 5.The Assistant Superintendent of Police,  
Pennagaram,  
Dharmapuri District.

- 7.Mr.Arjunan
- 8.Mr.Periyaswamy
- 9.Mr.Murugan
- 10.Mr.Madhappan
- 11.Mr.Rasya
- 12.Mr.Simbu
- 13.Mr.Raja

- 14.Mr.Mariappan
- 15.Mr.Chinnaswamy
- 16.Mr.Murugan
- 17.Mr.Sakthivel
- 18.Mr.Raja
- 19.Mr.Ilayaraja

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a writ of mandamus, to direct the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> respondents to initiate action on the representation of the petitioner dated

05.01.2007 and conduct a detailed enquiry in accordance with law and consequently give adequate police protection to the petitioner to live in his village Chinna Peramanoor.

For Petitioner : Mr.M.Vijayamehanath  
for M/s.P.H.Manoj Pandian

For Respondents : Mr.R.S.Selvam for R1 to R6  
Government Advocate

#### ORDER

This writ petition has been filed for a mandamus to direct the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> respondents to initiate action on the representation of the petitioner dated 05.01.2007 and conduct a detailed enquiry in accordance with law and consequently give adequate police protection to the petitioner to live in his village Chinna Peramanoor, B-Agaraharam Post, Pennagaram Taluk, Dharmapuri District.

2.It is his case that the land measuring an extent of 1.5 acres in S.No.77 in Chinnaperamanoor village is owned by his family. According to him, there were two tamarind trees in the said land. In July 1982, a dispute in respect of reaping of tamarind fruits from the aforesaid two trees arose between the petitioner, Ponnambalam, Bheeman and others who were also living in the same village.

3.According to the petitioner, the village panchayat (katta panchayat) members who were functioning as extra constitutional institutions called for a meeting to resolve the said dispute and it was resolved that the petitioner should not reap the tamarind fruits from the said two trees and the petitioner was asked to pay a sum of Rs.101/- as fine, failing which, he and his family should not enter into the village and converse with other persons of the village and receive any articles from the village and participate in the functions held in the village.

4.According to the petitioner, since he refused to pay the fine amount of Rs.101/- as directed by the village panchayat, he and his family have been ex-communicated from the village. The petitioner gave a police complaint against the unlawful village panchayat. According to the petitioner, the members of the unlawful village panchayat got infuriated by the said complaint and they came to petitioner's house and destroyed his hut and other household articles. According to the petitioner, thereafter due to fear, he and his family did not participate in any events held in his village.

5.It is the case of the petitioner that in the year 2004 when he and his family went to participate in the petitioner

sister daughter's last ritual, some members of the village resisted the petitioner and his family by saying that they have already been excommunicated from the village. Thereafter, the petitioner given a representation to the third respondent in the Jamaabandhi held on 22.06.2006 in the Revenue Divisional Office, Dharmapuri narrating all the human rights violation perpetrated upon him and his family from the year 1982 till date by the members of the unlawful village panchayators.

6. According to the petitioner, the atrocities committed upon the petitioner and his family were also reported in Daily Thanthi Newspaper dated 23.06.2006 in Salem Edition. According to the petitioner, one more representation was given on 05.01.2007 to the respondents 3, 4, 5 and 6, requesting them to take action against the unlawful village panchayat for having ex-communicated the petitioner and his family from the village. Since no action was taken by the respondents 3, 4, 5 and 6, despite the representations the petitioners have filed this writ petition.

7. Heard Mr.M.Vijayamehanath, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for the respondent Nos.1 to 6.

8. Admittedly, the representation dated 22.06.2006 as well as the representation dated 05.01.2007 of the petitioner has not been acted upon by the respondents 3, 4, 5 and 6.

9. It is the case of the petitioner that he and his family have been unlawfully ex-communicated by the members of the village panchayat who include the respondents 7 to 19 herein. As per the resolution of the unlawful village panchayat (katta panchayat), the petitioner was directed to pay a sum of Rs.101/- as fine and thereafter since the petitioner refused to pay the fine, he was asked to pay a sum of Rs.95,000/- as fine. The rights to enter and live in his village is a fundamental right of the petitioner and that right cannot be curtailed by any unlawful action.

10. This being the case, the respondents 3, 4, 5 and 6 ought to have considered the representation dated 22.06.2006 as well as the representation dated 05.01.2007 submitted by the petitioner.

11. Admittedly, no response has been given by the Government respondents to the petitioners representation dated 22.06.2006 and 05.01.2007. The respondents 3, 4, 5 and 6 ought to have investigated the representation and held an enquiry and passed final orders on the same. But, in the case on hand, they have failed to do so.

12. In such circumstances, this Court directs the third respondent, viz., District Collector, Dharmapuri to consider

the representation dated 22.06.2006 as well as the representation dated 05.01.2007 submitted by the petitioner and after investigation, if it is found that the complaint against the respondent Nos.7 to 19 seems to be a genuine one, take appropriate legal action against the respondent Nos.7 to 19 in accordance with law within a period of eight weeks.

13.With the aforesaid direction, the instant writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pam

To

- 1.The Secretary to Government,  
Home Department,  
Fort St.George,  
Chennai - 600 009.
- 2.The Director General of Police,  
Tamil Nadu Police,  
Chennai.
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- 5.The Assistant Superintendent of Police,  
Pennagaram,  
Dharmapuri District.

+1cc to the Government Pleader, S.R.No. 103115

W.P.No.3987 of 2007

RSV(CO)  
GN(11/02/2020)