



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3726 of 2019

T.Deepak Rajappa

... Petitioner

Vs

- 1.The District Collector,
Thirunelveli District.
- 2.The Superintendent of Police,
Thirunelveli District.
- 3.The District Revenue Officer,
Collectorate Campus,
Thirunelveli District.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,Tenkasi Division,
Thirunelveli District.
- 5.The Deputy Superintendent of Police,
Deputy Superintendent of Police office,
Puliangudi, Thirunelveli District.
- 6.The Tasildhar,
Sivagri Taluk,
Tirunelveli District.
- 7.The Inspector of Police Station,
Sivagri Taluk, Tirunelveli District.
- 8.Seenipandi
- 9.Sankarapandi
- 10.Soundar

... Respondents

PRAYER: 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 respondent Nos.8 to 10 based on the petitioner's representation dated 20.10.2018 and make necessary enquiry in respect of Ex-communication of the petitioner's family from Duraisamipuram Village, Rayagri Viz., Sivagri Taluk, Tirunelveli District by the respondent Nos.8 to 10.



For Respondents : Mr.K.Mu.Muthu
Addl. Govt. Pleader for R1 to R7
: Ms.A.Devaki for R8 to R10

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ORDER

Heard the learned counsel on either side.

2.The petitioner's allegation is that the respondents 8 to 10 have excommunicated the petitioner's family from the petition mentioned village. He had given representation in this regard. He wants this Court to direct the authority to take action on his representation.

3.When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 7 produced the statement of the eighth respondent and pointed out that there was some dispute between the petitioner's family and villagers with regard to payment of Rs.30,000/-. The petitioner's father was in charge of accounts during the year 2016. There was short fall of Rs.30,000/- when he made remittance. Thus dispute arose in this regard between the petitioner's father on the one hand and the others. The petitioner's father in the meanwhile passed away on 29.09.2016. As per village custom, the funeral is conducted by the entire village. But since the petitioner's father did not pay a sum of Rs.30,000/-, dispute arose. During the said incident, the writ petitioner's brother is said to have behaved in an objectionable manner and the statement of the eight respondent indicates that it was the writ petitioner who amicably resolved the issue. The dispute was later peacefully resolved and the funeral was also conducted. But later, the writ petitioner appears to have undergone change of attitude and demanded the sum of Rs.30,000/- paid by him to be refunded. The eight respondent declined to do so. It is this that appears to have triggered to the present proceedings.

4.In the statement dated 28.09.2018 given by the eighth respondent, it has been categorically undertaken that the writ petitioner's family will not be excommunicated in any manner and that there is no excommunication as alleged. The official respondents also affirmed before this Court that there is no excommunication as alleged by the writ petitioner.

5.In these circumstances, I am of the view that except recording the aforesaid undertaking, no more relief can be granted to the writ petitioner. The petitioner is of the view that a sum of Rs.1,60,000/- was paid by him under duress. It is open to him



6. With this liberty, the writ petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar (CS)

To:

1. The District Collector,
Tirunelveli District.
2. The Superintendent of Police,
Tirunelveli District.
3. The District Revenue Officer,
Collectorate Campus,
Tirunelveli District.
4. The Revenue Divisional Officer,
Revenue Divisional Office, Tenkasi Division,
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5. The Deputy Superintendent of Police,
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Puliangudi,
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6. The Tasildhar,
Sivagri Taluk,
Tirunelveli District.
7. The Inspector of Police Station,
Sivagri Taluk,
Tirunelveli District.

+1 CC to M/s.V.MUTHUVELAN, Advocate(SR-60331[F] dated 11/04/2019)

+1 CC to M/s.SPL GP (SR-60714[F] dated 12/04/2019)

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