



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

W.P. (MD) No. 5228 of 2019

WEB COPY

P. Jayabalan

... Petitioner

/Vs./

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3. The Revenue Divisional Officer,
Paramakudi Division,
Ramanathapuram District.

4. The Additional Superintendent of Police,
Kamuthi Camp,
Ramanathapuram District.

5. A. Gandhi Thevar

... Respondents

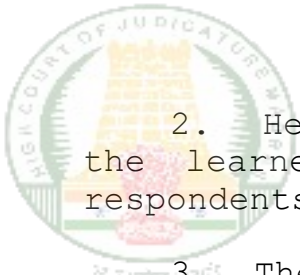
PRAYER: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to provide police protection to the Petitioner and his kin and to enable them to participate in the oncoming and in all the temple and general festivals of their village and to cremate the deceased among them in the graveyard by allowing them to pay the tax to 2nd Karai of Kadamangalam, by taking necessary legal action against those whoever are standing against their fundamental rights enjoyed since the time immemorial and pass further orders.

For Petitioner : Mr. Thirupathi Chellasamy

For Respondents-1 to 4 : Mrs. S. Bharathi,
Government Advocate (Crl. Side)

ORDER

This petition is filed by the petitioner directing the respondents 1 to 4, to provide police protection to the Petitioner and his kin and to enable them to participate in the oncoming temple and general festivals of their village and to cremate the deceased in the graveyard by allowing them to pay the tax to 2nd Karai of Kadamangalam, by taking necessary legal action against those whoever are standing against their fundamental rights enjoyed since the time immemorial and pass further orders.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 4 and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the fifth respondent is the Headman of the local area and he is ex-communicating the petitioner and others, due to certain differences has prevented them to worship in the temple festival which is scheduled to take place on 07.03.2019 to 10.03.2019. He would further submit that the petitioner had made a representation to the respondents-1 & 2 on 28.02.2019 and the same has not yet been considered by the said respondents.

4. Considering the facts of the case, this Court directs the 3rd respondent to look into the said representation and ensure that the petitioner is not ex-communicated. If necessary, he is also directed to hold peace talks with all concerned and to ensure that, if any pre-existing right of worship is granted to the petitioner to worship in the temple festival and the same is protected by providing necessary protections. The petitioner is directed to approach the third respondent very earliest.

5. Since no time to issue a certified copy of this order, the learned Government Advocate (Criminal Side) is directed to communicate the operation portion of the order to the third respondent.

6. With the above direction, this Writ Petition is disposed of. No costs.

sd/
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
3. The Revenue Divisional Officer,
Paramakudi Division,
Ramanathapuram District.
4. The Additional Superintendent of Police,
Ramanathapuram District.



5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr. THIRUPATHI CHELLASAMY, Advocate (SR-52534[F] dated
08/03/2019)

Order made in
W.P.(MD) No. 5228 of 2019
06.03.2019

ksa

MK (20.03.2019) 3P 7C