



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16161 of 2015

and

M.P.(MD)No.2 of 2015

WEB COPY

- 1.P.Vijayakumar
- 2.V.G.Muthu Kumar
- 3.V.G.Ram Kumar
- 4.T.Sivaneshan
- 5.S.Kannan
- 6.S.Manivannan
- 7.S.Karvannan
- 8.P.Sahadevan
- 9.S.Guhan
- 10.S.Kamalesh
- 11.S.Vinu

... Petitioners

Vs

- 1.The Chief Secretary
Home Department,
Fort St.George,
Chennai.
- 2.The Chairman,
Tamil Nadu State Human Rights Commission,
Chennai.
- 3.The District Collector,
Kanyakumari District.
- 4.The Superintendent of Police,
Kanyakumari District.'
- 5.The Assistant Superintendent of Police,
Colachel Sub-Division,
Kanyakumari District.
- 6.The Sub-Inspector of Police,
Velli Santhai Police Station,
Kanyakumari District.
- 7.Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 8.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.



9.The Village Administrative Officer,
Kadiapatanam Village,
Kalkulam Taluk,
Kanyakumari District.

10.C.Thangasamy

11.K.Rajagopal

12.N.Dhanabalan

13.T.Sivabalan

14.K.Ramesh

15.C.Siva @ Dinakaran

16.G.Vijayan @ Vijayakumar

17.T.Ramajeyam

18.R.Sreedharan

19.V.Narayanaperumal @ Pattu

20.V.Thangathurai @ Thangam

21.N.Thangadurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 9 to implement the order passed by the Revenue Divisional Officer vide his proceedings in A2/3098/2013 dated 01.07.2013 and to take action against the respondents 10 to 21 who are involved in this worst and heinous practice of social ostracism and issuing illegal diktats by conducting Kangaroo court and excommunicating and prohibiting the petitioners and their family members including small children from attending the social and religious functions and further more prohibiting them from entering Sri Mutharamman Temple, Chethuvloor Village affecting the petitioners and their family members constitutional and valuable Human Rights.

For Petitioners : Mr.T.Arul

For R1 to R4 : Mr.M.Karuppasamy
Government Advocate

For R10, R11, R13, R16,
R17, R19, R20 & R21 :M/s.Victoria Gowri

For R14 & R15 :Mr.M.P.Senthil

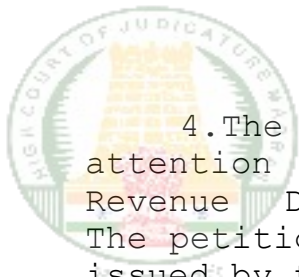
For R12 :No appearance

ORDER

Heard the learned counsel on either side.

2.The writ petitioners herein are residents of Chethuvloor hamlet in Kanyakumari District.

3.Their allegation is that a group of persons claiming themselves as the oor committee are indulging in Kattapanchayat.



4.The learned counsel appearing for the petitioners drew my attention to the communication dated 11.07.2013 issued by the Revenue Divisional Officer, Padmanabhapuram in this regard. The petitioner wants implementation of the said official proceedings issued by the Revenue Divisional Officer.

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5.When the matter was taken up for hearing, the learned counsel appearing for the private respondents pointed out that the writ petition itself has become infructuous. He would contend that periodically, the composition of the oor committee changes. He also pointed out that the allegation of the writ petitioners pertains only to the members of the erstwhile oor committee and not the current oor committee. This Court called upon the learned counsel to make a statement that the grievance addressed by the writ petitioners would be taken note of and redressed.

6.The learned counsel appearing for the private respondents herein wanted to rebut the allegation made in the affidavit filed in support of the writ petition. This Court took the view that if the petitioner's rights would be safeguarded, there is no need to go into the allegation made in the writ petition. Thereupon, the learned counsel appearing for the private respondents stated that there is no kattapanchayat going on and that, in any event, the civil and constitutional rights of the petitioner would be duly protected.

7.The petitioner's counsel places a reliance on the order dated 08.04.2004 passed by the Madras High Court in Crl.O.P.No.28886 of 2003, wherein, this Court came down heavily on the practice of Katta Panchayat prevailing in several places in Tamil Nadu.

8.It is made clear that the writ petitioners will not be socially ex-communicated. The petitioner will not be prevented from taking part in any social function or ceremonies or the village temple festival. For conducting the village festival, donations or Vari shall be collected from the writ petitioners also.

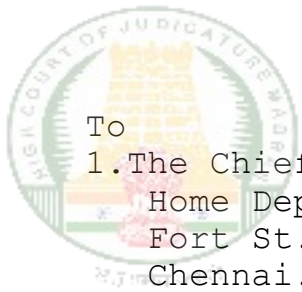
9.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Chief Secretary
Home Department,
Fort St.George,
Chennai.

2.The Chairman,
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3.The District Collector,
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4.The Superintendent of Police,
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Kalkulam Taluk,
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9.The Village Administrative Officer,
Kadiapatnam Village,
Kalkulam Taluk,
Kanyakumari District.

+1cc to Mr.T.ARUL, Advocate, SR.No. 53739

+1cc to Mr.L.VICTORIA GOWRI, Advocate, SR.No.53366

W.P.(MD)No.16161 of 2015

AND

MP (MD)No.2 OF 2015

11.03.2019

RMI

KK/SAR/08.04.2019/ 4P- 12C