



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.12.2019

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WP. (MD) No.21321 of 2019

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... Petitioner

Vs.

1.The Commissioner,
Minority Welfare Department,
Chepauk, Chennai-5.

2.The Chairman,
Tamil Nadu State Minority Commission,
Chennai.

3.The District Collector,
Virudhunagar District.

4.The Inspector of Police,
Aruppukottai Police Station,
Aruppukottai,
Virudhunagar District.

5.The Bishop
CSI Madurai Ramnad Diocese,
162, East Veli Street,
Madurai-1.

6.The Pastorate Committee Chairman
Aruppukottai Town Pastorate,
CSI Diocese of Madurai Ramnad,
Aruppukottai, Virudhunagar District.

... 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 take action against the respondents 5 and 6 pursuant to the representations dated 10.05.2019 and 16.09.2019 and consequent direction may be issued to remove the order of ex-communication against the petitioner and to allow them to participate in all the common proceedings of the village upon receiving all the payments.



For R1 to R4 : Mrs.Bharathi
Government Advocate (Crl. side)

For R5 and R6 : No Appearance

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O R D E R

This petition has been filed seeking for a direction to the respondents 1 to 4 to take action against the respondents 5 and 6 pursuant to the representations dated 10.05.2019 and 16.09.2019 and consequential direction may be issued to remove the order of ex-communication against the petitioner and to allow them to participate in all the common proceedings of the village upon receiving all the payments.

2.The learned counsel for the petitioner would submit that the petitioner is a member of CSI Immanuel Church of CSI Aruppukottai Town Pastorate. During the pastorate committee election for the year of 2018-2021, the petitioner had supported his friends who had contested in the election, but the opposite group won the election. In order to take vengeance for having worked against them, the elected persons, namely, Nelson Durairaj, Asir Thomas, Johnson and Chellapandi have preferred a petition before the respondents 5 and 6 seeking to ex-communicate the petitioner. Thereafter, the 6th respondent formed a committee consisting of four persons, out of which, three Government servants, who are the supporters of elected people. Thereafter, the said committee summoned the petitioner for enquiry on 22.04.2019 and thereafter, have ex-communicated him. In this regard, the petitioner made a representation to the Chief Minister's Cell on 10.05.2019 and another representation to the third respondent/District Collector on 16.09.2019. The representation sent to the Chief Minister's Cell was forwarded to the first respondent herein. But till today, the second respondent had not taken any action. Therefore, the present writ petition came to be filed before this Court.

3.Though notice has been served on the respondents 5 and 6 and their names are printed in the cause list, there is no representation for them.

4.The learned Government Advocate (Crl. Side) would submit that the fourth respondent has not received any representation so far. She would further submit that if the petitioner gives a fresh representation to the fourth respondent, he will take appropriate steps, based on the representation given by the petitioner.



5.Considering the facts and circumstances of the case, the petitioner is directed to give a fresh representation to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the fourth respondent is directed to consider the same after due enquiry and affording an opportunity to the petitioner as well as the respondents 5 and 6 and pass appropriate orders, within a period of two weeks, thereafter.

6.With the above directions, the writ petition stands closed.
No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj
To

1.The Commissioner,
Minority Welfare Department,
Chepauk, Chennai-5.

2.The Chairman,
Tamil Nadu State Minority Commission,
Chennai.

3.The District Collector,
Virudhunagar District.

4.The Inspector of Police,
Aruppukottai Police Station,
Aruppukottai,
Virudhunagar District.

+1 CC to MR.T.A.EBENEZER, Advocate (SR-104242[F] dated 10/12/2019
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