



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.11.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.19706 of 2018

and

W.M.P(MD).Nos.17497 and 17498 of 2018

Devasahaya Boban

.. Petitioner

Vs.

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 3.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.
- 4.The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari.
- 5.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
- 6.Romalt,
Pastorate Committee Chairman,
Shrine of our lady of Ransom Pastorate,
Kanyakumari.
- 7.Santhiya,
Pastorate Committee Secretary,
Shrine of our lady of Ransom Pastorate,
Kanyakumari.
- 8.Dinakaran,
Pastorate Committee Deputy Secretary,
Shrine of our lady of Ransom Pastorate,
Kanyakumari.



Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5 to take appropriate action against respondents 6 to 9 and other committee members of the church namely Shrine of our lady of Ransom for having excommunicated the petitioner and his family members of Alangaramadha Street, Kanyakumari and consequently direct the respondents 1 to 5 to ensure that the petitioner and his family members are not socially boycotted by the sixth respondent and the church members and further direct the respondents 1 to 5 to ensure that the petitioner and his family members are allowed to offer prayers at the Shrine of our lady of Ransom, Kanyakumari without any discrimination.

For Petitioner : Mr.R.Ponkarthikeyan

For R1 to R3 & R5 : Mr.R.Anandharaj
Additional Public Prosecutor

For R6 to R9 : Mr.G.Aravinthen

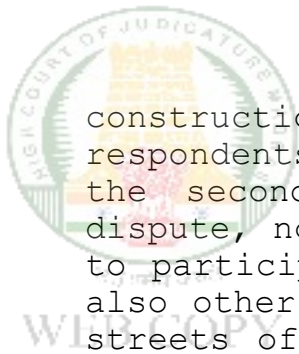
ORDER

This petition has been filed to direct the respondents 1 to 5 to direct appropriate direction as against the respondents 6 to 9.

2.The learned counsel for the petitioner would submit that the petitioner is a fisherman. The petitioner and his family members are residing at 9/3, Alangara Madha Street, Kanyakumari, Kanyakumari District. The above said house in S.No.662/5, is stands in the name of the petitioner's father. The church viz., 'Shrine of our lady of Ransom' is situated very closer to the petitioner's house. The petitioner and his family members are the devotees of the said Church and also residing in the said street for several decades. The sixth respondent is the father of the Church and also serving as Chairman of the pastorate Committee.

3.He further submitted that the S.No.662/5 of Kanyakumari Revenue Village, Kanyakumari as classified as a pathway. It is encroached and obstructed by the ninth respondent by putting gate. Due to which, the public could not able to reach their respective houses. Therefore, the petitioner lodged a complaint to the first respondent on 18.06.2018 for removal of the encroachment made by the ninth respondent herein and the same was forwarded to the third respondent for necessary action. The third respondent has instructed the fourth respondent to remove the encroachment made by the ninth respondent.

4.While being so, the petitioner's brother was putting up a



construction in the said place and it was prevented by the respondents 6 to 9 herein. Therefore, he lodged a complaint before the second respondent. But, no action was taken. Due to this dispute, now, the petitioner and his family members were not allowed to participate in the prayer of Church. The respondents 6 to 8 and also other committee members have put dom-dom (Thandora) around the streets of Kanyakumari and informed that the entire residents that the petitioner along with his family members have been ex-communicated. In this regard, the petitioner submitted his representation to the respondents 1 to 5 herein for appropriate action to redress their grievance.

5.The learned counsel for the respondents 6 to 9 would submit that the petitioner and his family members are never ex-communicated by them. In fact, the father of the petitioner viz., Lawrance died and permitted to bury the body in the Church ground yard. Further, the son of the petitioner's own brother prevented to burry the body. He further submitted that they have absolutely no objection to participate the petitioner and his family members in the prayer of Church.

6.Considering the above facts and circumstances, the petitioner and his family members can very well go to the Church and participate in the prayer of Church. Further, ex-communicated from the 'Shrine of our lady of Ransom' Church, it is made clear that the private dispute between the petitioner and the respondents 6 to 9 cannot be considered here. However, the petitioner is at liberty to approach the Civil Court for appropriate relief as against the respondents 6 to 9 in respect of their private dispute.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

1.The District Collector,
Nagercoil,
Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

4.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

+1 CC to M/s.R. PONKARTHIKEYAN, Advocate (SR-100055[F] dated
21/11/2019)

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-100042[F] dated 21/11/2019)

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