

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :06.02.2020  
CORAM  
THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM  
W.P.No.30122 of 2019

D.Elumalai

..Petitioner

Vs.

1.The District Collector,  
Villupuram District.

2.The Deputy Superintendent of Police,  
Kottakuppam (Ulkottam),  
Thiruchitrabalam Koot Road,  
Vanoor, Villupuram.

3.The Inspector of Police,  
F-5, Marakkanam Police Station,  
Marakkanam, Villupuram.

4.R.Manoharan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, to direct the respondents 1 to 3 to conduct an enquiry and dissolved the panchayath and allow to fishing and give the police protection to him and old office bearers and our family members.

For Petitioner : Mr.M.Karthik

For R1 to R3 : Mr.N.Ezhumalai

Government Advocate (Civil side)

For R4 : Mr.V.M.R.Rajentren

O R D E R

This writ petition has been filed for issuance of writ of mandamus, to issue a Writ order or direction in the nature of writ of Mandamus, to direct the respondents 1 to 3 to conduct an enquiry and dissolve the panchayath and allow to fishing and give police protection to him and old office bearers and their family members.

2.The learned counsel for the petitioner has submitted that the petitioner is a permanent resident of Kaipenikuppam village and he belongs to Fishermen family and his livelihood is by fishing. The petitioner, one D.Muthukumaran, S.Shankar and

E.Dhanasekar were the office bearers of Kaipenikuppam Meenavar Panchayat Sabai of last year.

3.The learned counsel for the petitioner has further submitted that there was some dispute arose in the Sabai to conduct the village temple festival and on intervention of the police and revenue authorities, a temporary committee was constituted with 4<sup>th</sup> respondent and others. A peace committee meeting was held by the Tahsildar in the presence of the 3<sup>rd</sup> respondent on 03.05.2019 and both the parties have agreed to conduct the temple festival and after the festival, the temporary committee has to be dissolved and members of the Sabai have to be elected by due process of law and the same was accepted by both parties. He further submitted that even after the temple festival, the members of the said committee are continuing and they are conducting katta panchayat and indulging in criminal activities and assaulted the petitioner and others and not allowing the petitioner and other office bearers for fishing hence, he requests to direct the respondents 1 to 3 to conduct an enquiry and dissolve the committee and allow the petitioner and other office bearers to fishing and also give police protection.

4.Per Contra, the learned Government Advocate (Civil side) appearing for the 1<sup>st</sup> respondent has submitted that without submitting a representation, the petitioner has straightaway issued a notice through his Advocates dated 23.05.2019 calling upon the respondents to conduct enquiry with regard to the dispute among the office bearers of the Kaipenikuppam Meenavar Panchayat Sabai. He further submitted that the petitioner has to approach the Civil Court and get appropriate relief.

5.The learned Additional Public Prosecutor who is appearing for the respondents 2 and 3 has submitted that already an FIR has been registered in Crime No.293/2019 dated 07.07.2019 under Sections 147, 148, 294(b), 448, 323, 324, 307 IPC r/w Section 3 of TNPPDL Act 1992. against the 4<sup>th</sup> respondent herein and others and the investigation is pending. He further submitted that the respondents 1 to 3 cannot dissolve the panchayat and if the petitioner is aggrieved with the constitution of panchayat, he has to approach the Civil Court. He further submitted that in the disputed facts, the police cannot interfere.

6.The learned counsel for the 4<sup>th</sup> respondent has opposed this petition and has submitted that the 4<sup>th</sup> respondent has not conducted any katta panchayat.

7.A perusal of the averments made in the affidavit filed by the petitioner in support of this writ petition shows that the petitioner and three others are claiming that they are office

bearers of Kaipenikuppam Meenavar Panchayat Sabai of last year; that a dispute arose in the said Sabai for conducting the village temple festival and hence a new committee was constituted temporarily with the 4<sup>th</sup> respondent and others; that after conducting the said temple festival, the said new committee should be dissolved and that the old committee shall be allowed to function. So, it appears that the main dispute is with regard to which committee is entitled to function in the Kaipenikuppam village. In such a case the petitioner has to approach the Civil Court and establish his rights. In so far as the alleged rioting is concerned already FIR has been registered and the same is pending for investigation. In respect of the dispute with regard the constitution of committee the petitioner has to work out his remedies by approaching the Civil Court. In the disputed facts, this Court cannot give direction to the police to give protection. Therefore, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

gbi

To

- 1.The District Collector, Villupuram District.
- 2.The Deputy Superintendent of Police,  
Kottakuppam (Ulkottam),  
Thiruchitrambalam Koot Road,  
Vanoor, Villupuram.
- 3.The Inspector of Police,  
F-5, Marakkanam Police Station,  
Marakkanam, Villupuram.

Copy to: The Public Prosecutor, High Court, Madras.

W.P.No.30122 of 2019

PM(CO)

CSR: 12.03.2020