



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.4588 of 2022

WEB COPY

P.Rajamanickam

.. Petitioner

Vs

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
- 3.The Revenue Divisional Officer,
Illuppur,
Pudukkottai District.
- 4.The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.
- 5.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.

6.Vellaichamy

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, direct the respondents 1 to 5 to take appropriate action against the 6th respondent, Pangalis, and Village People of Thoothur Village, Kesarapatti Post, Ponnamaravathy Taluk, Pudukkottai District for non touchable and untouchability of the petitioner and also prevents him from participating in the temple festival based on the order passed by this Court in W.P.(MD). No.2548 of 2022.

For Petitioner : Mr.K.G.Arun Kumar

For Respondents : Mr.M.Lingadurai for R1 to R5
Special Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 5 to take appropriate action against the 6th respondent and other persons, who are supporting him for practising untouchability and also for preventing the petitioner from participating in the temple festival held at Thoothur Ayyanar Temple and other temple located in the Thoothur Village Panchayat.

2. Heard Mr.K.G.Arun Kumar, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 5.

3.The Contention of the petitioner is that he has been ex-communicated by the 6th respondent and his supporters and he has not been allowed to participate in the temple festivals relating to the aforementioned temple. This Court by its order, dated 08.02.2022, in the writ petition filed by the very same writ petitioner, has observed as follows:

"Since the temple festival is scheduled to take place on 10.02.2022, no orders can be passed at the last hour. If at all, the petitioner is aggrieved by the refusal of permission to attend the temple festival scheduled to take place on 10.02.2022, he is granted liberty to challenge the same in accordance with law by filing a separate writ petition."

4.Now the petitioner submits that he was not allowed to participate in the temple festival held on 10.02.2022 and no peace committee meeting was held. In such circumstances, he seeks for a direction to the official respondents to take action against the 6th respondent and his supporters, who have ex-communicated the petitioner and have prevented him from participating in the temple festivals. As seen from the affidavit filed by the petitioner in support of the writ petition, no written representation has been given by him to the official respondents, with regard to his grievance. Unless and until a representation is given, the official respondents cannot act upon the petitioner's grievance, even if the said grievance is a genuine one. The learned counsel for the petitioner submits, on instructions that the petitioner is willing to give a representation to the official respondents, requesting for the reliefs sought for in this writ petition. The said statement is recorded.

5.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the 6th respondent as well as any other necessary party, whom the Enquiring Authority deems it fit to enquire.



6. Accordingly, this Court directs the petitioner to submit a representation to the fourth respondent, within a period of one week from the date of receipt of a copy of this order, requesting the fourth respondent to take action against the 6th respondent and his supporters for the alleged ex-communication of the petitioner and for the alleged prevention of the petitioner from participating in temple festival and on receipt of the said representation, the fourth respondent shall pass final orders, after affording a fair hearing to the petitioner and the 6th respondent as well as any other necessary party, whom the fourth respondent deems fit to enquire, within a period of twelve weeks, thereafter.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

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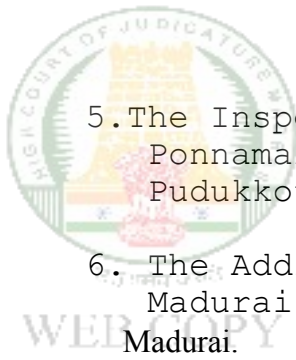
Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
3. The Revenue Divisional Officer,
Illuppur,
Pudukkottai District.
4. The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.



5.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.

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

+1 CC to M/s.SPL GP (SR-12713[F] dated 17/03/2022)

ORDER MADE IN
W.P. (MD)No.4588 of 2022
16.03.2022

PKP/28.03.2022/4P/8C