



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No.11642 of 2020

P.Kannadasan

... Petitioner

/Vs./

1. The District Collector,
Dindigul.
2. The Superintendent of Police,
Dindigul.
3. The Revenue Divisional Officer,
Dindigul.
4. The Tahsildar,
Nilakottai Taluk,
Dindigul District.
5. The Inspector of Police,
Pattiveeranpatty Police Station,
Dindigul District.
6. Chinnamani
7. Gopi Krishnan
The President,
Sengatampatty Village Panchayat,
Nilakottai Taluk,
Dindigul District.
8. Vellaisamy
9. Sonaimuthu @ Mani
10. Muthukalai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 to 5 to ensure that the petitioner's right to life is not affected by the informal order of excommunication passed by the sixth respondent at the instance of the respondents 8 to 10 by taking appropriate action on the representation submitted by the petitioner on 22.07.2020.



For Petitioner : Mr.P.Ganapathi Subramanian
For R1 to R5 : Mr.M.Sakthikumar
Government Advocate
For R6 to R10 : Mr.S.Sarvagan Prabhu

WEB COPY

ORDER

This Writ Petition has been filed directing the respondents 1 to 5 to ensure that the petitioner's right to life is not affected by the informal order of excommunication passed by the sixth respondent at the instance of the respondents 8 to 10 by taking appropriate action on the representation submitted by the petitioner on 22.07.2020.

2. It is the case of the writ petitioner that the sixth respondent being the Headman of village, at the instigation of respondents 7 to 9, has excommunicated the petitioner from using the water tap and also going to the grocery shop, etc. Therefore, the writ petition has been filed seeking the above relief.

3. Whereas, the learned counsel appearing for the private respondents would submit that it is nothing but a civil dispute and it has been given a colour of excommunication. In the year 2019 itself, there was an exchange of legal notice in respect of the pathway dispute between the parties and now this writ petition has been filed, as if there was an act of excommunication. Even now, the petitioner is residing in the same village in his own house and therefore, the entire allegations has been pressed into service only to give a colour of excommunication, which is purely a civil dispute.

4. The learned Government Advocate, on instructions, would that it is purely a civil dispute and no such incident had happened. Having regard to the nature of the fact that in the year 2019 itself legal notice dated 28.07.2020 was issued which was annexed with the typed-set of papers would also indicate that primarily there is a dispute with regard to the pathway. It is also brought to the notice of this Court that the other two legal notices, dated 19.02.2019, 01.03.2019 have not been filed along with the typed-set of papers, which has been totally suppressed, which clearly indicates that the main dispute is with regard to the claiming of right over the pathway in Survey Nos.248/1B1 and 248/1B2.

5. In such view of the matter, this Court is of the view that a civil dispute cannot be permitted to be converted into a caste issue. Such trend is apparent in the many writ petitions filed before this Court. Therefore, no relief as sought for can be granted. If at all any cognizable offence is made out, it is well



open to the petitioner to prosecute the respondent in the manner known to law and not by way of innocuous relief, as claimed in this writ petition.

6. With the above observation, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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,
Dindigul.
2. The Superintendent of Police,
Dindigul.
3. The Revenue Divisional Officer,
Dindigul.
4. The Tahsildar,
Nilakottai Taluk,
Dindigul District.
5. The Inspector of Police,
Pattiveeranpatty Police Station,
Dindigul District.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

W.P. (MD)No.11642 of 2020

02.03.2022

USK/11.03.2022/3P/7C

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