



W.P.(MD)No.12539 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.(MD)No.12539 of 2020

and

W.M.P(MD)Nos.10705, 10706 & 10708 of 2020 and 3981 of 2021

C.Ramkumar

.. Petitioner

Vs.

1.The Sub-Divisional Magistrate,
Devakottai,
Sivagangai.

2.The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.

3.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

4.Lakshmanan

5.Thirugnanam

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records



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pertaining to the impugned order passed by the 1st respondent through his proceedings in Na.Ka.No.B1/9327/2017 dated 20.02.2020, quash the same and consequently directing the 1st respondent to ensure that the ex-communicated person and his family are not restrained by the 4th and 5th respondents or their henchmen or any person from participating in any festival/carnivals guaranteed under the Constitution of India against “un-touchability / ex-communication”.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.C.Baskaran
Government Advocate (Criminal side)
for R1

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
for R2 & R3

: Mr.V.Karuna
for R4 & R5

ORDER

The writ petition has been filed aggrieved by the action of the respondents 4 and 5 in ex-communicating the petitioner since he had married outside the community.



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2. From the averments, it appears that there was an earlier writ petition filed before this Court in W.P(MD)No.10389 of 2019. While the said writ petition was pending, the first respondent had passed an order dated 20.02.2020 stating that he would not interfere with any dispute that arises out of excommunication in the village since writ petition before this Court is pending in W.P(MD)No.10389 of 2019. The petitioner has challenged the said order.

3. The learned counsel for the petitioner submits that subsequent to filing of this petition W.P(MD)No.10389 of 2019 was dismissed on 21.02.2022 as infructuous. Thereafter, it appears that there was a peace committee meeting conducted by the first respondent wherein both the parties had agreed to certain terms. According to one of the terms, the villagers would not continue the ex-communication, if the petitioner withdrew the writ petition which is pending before this Court. The learned counsel for the petitioner further submits that there is an impediment in withdrawing the writ petition since the B-party had not complied with certain other conditions.



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4. Heard Mr.RM.Arun Swaminathan, learned counsel for the petitioner, Mr.C.Baskaran, learned Government Advocate (Criminal side) appearing for the first respondent, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondents 2 & 3 and Mr.V.Karuna, learned counsel appearing for the respondents 4 &5.

5. Mr.V.Karuna, learned counsel for the respondents 4 & 5 also confirms that the peace committee meeting was held on 22.04.2022. It is also reported that fourth respondent is no more.

6. Since a peace committee has been held and the terms of compromise have been reduced into writing, it is suffice that a direction is issued to the parties to act in terms of the decision of the peace committee dated 22.04.2022.

7. In view of the same, no further orders is required in this writ petition and it is disposed of accordingly. No Costs. It is open to the



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petitioner to take such action in accordance with law, if the parties violate the terms of the decisions taken by the peace committee. The official respondents are hereby directed to ensure that all the parties comply with the decision taken in the peace committee. Consequently, connected miscellaneous petitions are closed.

12.12.2022

PJL

To

1.The Sub-Divisional Magistrate,
Devakottai, Sivagangai.

2.The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.

3.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

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

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SUNDER MOHAN,J.

PJL

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