



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P(MD)No.12929 of 2018

S.Murugesan

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
- 4.Ram.Ram.Jeganathan
- 5.V.Padmanaban Chettiar
- 6.K.Elangovan Chettiar
- 7.S.Jeganathan Chettiar
- 8.R.Karuppaiah Chettiar
- 9.L.Narayanan Chettiar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to take action against the respondents 4 to 9 for ex-communicating the petitioner and his family from their community and consequently to forbear the respondents 4 to 9 from conducting Katta Panchayat and imposing social disability including the ex-communication in the village.

For Petitioner	: Mr.R.Srinivasan
For R1 to R3	: Mr.S.Ravi
	Additional Public Prosecutor
For R4 to R9	: Mr.AL.Gandhimathi



ORDER

This writ petition has been filed seeking mandamus to dispose the representation of the petitioner herein, dated 04.05.2018 alleging that the respondents 4 to 9 have ex-communicated him and preventing him from participating in the Chithirai festival to be held during the Tamil month of Chithirai in 2017.

2. The learned counsel for the petitioner states that the petitioner has initiated suit in O.S.No.53 of 2017 seeking permanent injunction restraining the respondents 4 to 9 herein from conducting Chithira Pournami festival for three days between 10.05.2017 to 12.05.2017. For filing the said suit, he has been ex-communicated by the respondents 4 to 9.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 states that based on the complaint given by the petitioner herein, enquiry was conducted and it was found that the petitioner herein insisted to have a Mandagapadi in his land. The request of the petitioner to have a Mandagapadi in his land was not heeded by the villagers and the Gods idol were kept in the public place and Chithirai festival was conducted. Except this, there is no excommunication as alleged and therefore, the complaint was closed on 20.05.2018.

4. The learned counsel appearing for the respondents 4 to 9 would state that the suit filed by the petitioner also dismissed subsequently and there is no excommunication of the petitioner herein as alleged.

5. This Court finds that being aggrieved by the action of the villagers refusing the request of the petitioner's to have a Mandagapadi in his land, the present writ petition has been filed, as if he has ex-communicated, whereas, the facts indicates that the respondents 4 to 9 had conducted the Chithirai festival peacefully in a public place for the benefit of entire villagers and not to exclusive pride of the petitioner. Hence, the writ petition is dismissed as devoid of merits. No order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1.The District Collector,
Sivagangai District,
Sivagangai.

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

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

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

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-3831[F] dated
03/02/2022)

+1 CC to M/s.R.SRINIVASAN, Advocate (SR-4320[F] dated 04/02/2022)

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