



W.P.(MD)No.22619 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22619 of 2022

K.James

.. Petitioner

Versus

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Ramanathapuram Revenue Division,
Ramanathapuram District.
- 3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 4.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
- 5.S.Michael
- 6.N.L.Michael

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take necessary action to receive the contribution (Vari) from the petitioner for the Saint Michael Church festival scheduled to be held on 28.09.2022 and 29.09.2022 and also to take necessary action to ensure that the petitioner



W.P.(MD)No.22619 of 2022

family is allowed to participate in the festival on par with other Christians in the Village.

For Petitioner : Mr.S.Malaikani
For Respondents 1 to 3 : Mr.D.Sadiq Raja
Additional Government Pleader
For 4th Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)
For Respondents 5 & 6 : Mr.V.Panneerselvam

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take necessary action to receive the contribution (Vari) from him for the Saint Michael Church festival scheduled to be held on 28.09.2022 and 29.09.2022 and also to take necessary action to ensure that his family is allowed to participate in the festival on par with other Christians in the Village.

2.Heard Mr.S.Malaikani, learned counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, Mr.B.Thanga Aravindh, learned Government Advocate (Criminal side) and Mr.V.Panneerselvam, who takes notice for the respondents 1 to 3, 4 and 5 and 6 respectively. By consent of learned counsel appearing for the parties, the

<https://www.mhc.tn.gov.in/jsp/notice.jsp> Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.22619 of 2022

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3.The petitioner submits that in Thiruvadanai Taluk, North Andavurani Village, Ramanathapuram District, there are 100 Christian families belong to Nathaman Caste and there are Christian family belong to Vannar, Konar, Asari and also Devendrakulavelalar. The petitioner belongs to Asari Christian community. In the petitioner's Village, there is a Church namely, St. Michael Church, for the past 200 years. Every year, all the people belonging to Christian community jointly celebrate the festival of the Church in a grand manner and every contribution (Thalaikattu Vari) will be collected from all the community people. The people belonging to Nathaman Christian will take charge of the festival, collect taxes from all Christian in the Village and celebrate the festival. In the present year, it was decided to celebrate the Church festival on 28.09.2022 and 29.09.2022. Now, the respondents 5 and 6 and their community people informed the petitioner that they will not collect tax from him, which is clear violation of fundamental rights and human rights. Therefore, on 17.09.2022 the petitioner preferred a detailed representation to all the authorities concerned, including the respondents. However, the respondents did not take any action. Hence, the petitioner left with no other effective alternative remedy, approached this Court under Article 226 of the Constitution of India.



W.P.(MD)No.22619 of 2022

4.The learned counsel appearing for the respondents 5 and 6 submits that there is no discrimination as stated by the petitioner and everybody is at liberty to participate in the Car festival or any other ceremony being conducted in the Church Father and account will be maintained properly and they can verify the same at a later point of time after the festival is over.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that already the petitioner has given a petition before the authorities concerned and the same was enquired by the third respondent and a Peace Committee meeting was held on 26.09.2022 and in the said meeting, there was no consensus arrived at and it was decided that all the parties can participate in the function and regarding the maintenance of accounts, nothing was found to be proper in the said Church and the Christian Nathaman community people did not agree for any of the suggestions made by the third respondent Tahsildar.

6.On going through the prayer sought for in this Writ Petition, the same cannot be granted to the petitioner. The petitioner cannot seek for a direction against an individual Church Father to collect tax from him. This is not a forum to decide this issue under Article 226 of the Constitution of India and the petitioner has got appropriate remedy before the other forum and he can



W.P.(MD)No.22619 of 2022

approach the same. Regarding the peace committee meeting held by the third respondent, the petitioner, if aggrieved, by the decision of the said authorities, he can prefer an appeal, which will be an only remedy available to him. The prayer sought for in the present Writ Petition, seeking issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to take necessary action to receive the contribution [Vari] from the petitioner for the St. Michael Church Festival, scheduled to be held on 28.09.2022 and 29.09.2022 and also to take necessary action to ensure that the petitioner's family is allowed to participate in the festival on par with other Christians in the Village, is not acceptable and rejected. Therefore, the Writ Petition is not maintainable and the same is liable to be dismissed. Accordingly, it is dismissed. No costs.

Index : Yes/No

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W.P.(MD)No.22619 of 2022

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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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W.P.(MD)No.22619 of 2022

V.BHAVANI SUBBAROYAN, J.

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Order made in
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