



WP(MD)No.856/2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.856/2020 &
WMP(MD)Nos.641 and 4311/2020

Muthumanickam

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

3.The Tahshildar,
Singampunari Taluk,
Sivagangai District.

4.Balasubramanian

5.N.Rajamanickam

6.Peri.Thennarasu

7.Peri.Ramadoss

8.Periyasamy



WP(MD)No.856/2020

9.Ramachandran

10.Subbaiah

11.Peri.Subbaiah

12.Peri.Kasi

... Respondents

(R2 is amended in the cause title vide Court order dated 04.02.2020 in WMP(MD)No.973/2020 in WP(MD)No.856/2020)

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 3 to take action against the respondents 4 to 10 for ex-communicating the petitioner and his family members from the Seelikkottam and preventing the petitioner and his family members from preparing Pongal in Seelikkotta Thozhu situated in Muraiyur village, Singampunari Taluk, Sivagangai District on 15.01.2020 and to worship the deity in Inniamman Temply by offering the Pongal on the same day.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.J.John Rajadurai,
Government Advocate
for R1 to R3

Mr.S.Srinivasa Raghavan
for R4 to R9, R11



WP(MD)No.856/2020

WEB COPY

ORDER

This writ petition has been filed to issue a writ of mandamus directing the respondents 1 to 3 to take action against the respondents 4 to 10 for ex-communicating the petitioner and his family members from the Seelikkottam and preventing them from preparing Pongal in Seelikkotta Thozhu situated at Muraiyur village, Singampunari Taluk, Sivagangai District on 15.01.2020 and to worship the deity in Inniamman Temply by offering Pongal on the same day.

2.1. The petitioner would submit that he belongs to Muraiyur Village and his ancestors have been living there for several generations. In the said Village, there are two groups namely, Seelikkara group and Moolikavalan group. The petitioner's father belong to Seelikkara group. The petitioner's father had married the petitioner's mother Meenal and the petitioner was born in the year 1968. The respondents 4 to 10 also belong to the same group. The fifth respondent was the Headman, in local parlance called as Ambalakarar. The respondents 4 to 10 were powerful persons dominating the villagers. They had animosity with the



WP(MD)No.856/2020

WEB COPY

petitioner's father and in furtherance to this, they had set up one Peri.Shanmugam belonging to the Moolikavalan group to file a suit in OS.No.89/2009 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppathur to declare that the petitioner was his son through his mother Meenal. The petitioner would submit that the said suit had been instituted only to embarrass his parents and to create a problem in the Village and to dominate his community people. The petitioner has filed a detailed written statement submitting that he had been born to Meenal and Chockalingam. During the pendency of the suit, his mother Meenal died and the plaintiff in the suit had died on 25.10.2015. Therefore, the petitioner had filed a memo before the lower Court seeking to close the suit. However, the respondents 4 to 10 had set up the respondents 11 and 12, who are the brothers of the deceased plaintiff to implead themselves as legal heirs of the deceased plaintiff. The petitioner would submit that his father Chockalingam had filed a detailed counter and the Court without appreciating the same, had allowed the impleading application, which has been challenged by the petitioner's father in CRP(MD)No. 2444/2016 and the said revision petition was allowed.



WP(MD)No.856/2020

WEB COPY

2.2. The petitioner would further submit that there is a custom in their family to celebrate Pongal Festival with all the members of the Seelikkara group and on the said date, all the members prepare Pongal. It is his contention that on 15.01.2019, he and his wife were prevented from preparing the Pongal and they were also not permitted to worship at their family Temple, namely, Inniamman Temple. The petitioner would submit that the Police Authorities were also present and they had advised the respondents 4 to 9 not to prevent the petitioner's family members from preparing and offering Pongal to the group. However, the advise fell on deaf ears. The petitioner had also lodged a criminal complaint against the respondents 4 to 9. He would submit that when the Festival was scheduled to be conducted on 15.01.2020, the respondents 4 to 10 had proclaimed that they had ex-communicated the petitioner from the Seelikkara group on 09.01.2020. The petitioner cannot participate in the Pongal Festival. Therefore, the petitioner has come forward with the present writ petition.



WP(MD)No.856/2020

WEB COPY

3. The learned Government Advocate appearing for the respondents 1 to 3 would submit that Peace Committee Meeting had been held, in which, it was decided that except for the petitioner's family and the private respondents, the other members of the Seelikkara group totalling about 74 would all prepare Pongal at the same time and the two warring factions would prepare Pongal separately in their houses. The petitioner's wife had also agreed to withdraw the writ petition. A suit in OS.No.306/2019 on the file of the District Munsif cum Judicial Magistrate Court, Singampunari is pending disposal wherein the issue involved is the right of the petitioner to participate in the function by reason of him belonging to the Seelikkara group.

4. Heard the learned counsels on either side.

5. In the light of the above counter of the respondents 1 to 3, which is admitted by the petitioner, the writ petition is disposed of with the following directions.



WP(MD)No.856/2020

WEB COPY

(i) The learned District Munsif cum Judicial Magistrate, Singampunari shall dispose of the suit in OS.No.306/2019 on or before 30.06.2023.

(ii) It is made clear that the plaintiffs shall open their chief examination by filing proof affidavit on 11.04.2023, to which date the matter is now adjourned to. In case the plaintiffs do not open their evidence, the learned Judge shall treat their evidence as closed and post it for further evidence.

6. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

29.03.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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WP(MD)No.856/2020

P.T.ASHA, J.

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To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
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- 3.The Tahshildar,
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- 4.The District Munsif cum Judicial Magistrate,
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WP(MD)No.856/2020

29.03.2023