



W.P.(MD)No.6207 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.6207 of 2021

C.Savari Anandhan

... Petitioner

Vs.

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Sub Collector,
Musiri, Trichy District.
- 3.The Superintendent of Police,
Trichy District, Trichy.
- 4.The Deputy Superintendent of Police,
Musiri, Trichy District.
- 5.The Sub Inspector of Police,
Jambunathapuram Police Station,
Trichy District.
- 6.John Peter
- 7.Arulraj @ Ashwin
- 8.Pappusamy
- 9.Jamesmary



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10.Boopalraj

11.Gilda Suganthi

12.John Kennedy

13.Periyanayaki Ammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to consider the petitioner's representation dated 21.01.2021 as per the communication of the second respondent in O.Mu.A2/449/2021 dated 02.02.2021 and thereby take necessary action against the respondents Nos.6 to 13 and forbearing them from excommunicating the petitioner.

For Petitioner : Mr.P.R.Prithviraj

For R1 to R5 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R6 : No Appearance

For R7 to R13 : Mr.N.Anandhakumar

ORDER

This Writ Petition has been filed to direct the fourth respondent to consider the petitioner's representation dated 21.01.2021 as per the



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communication of the second respondent in O.Mu.A2/449/2021 dated 02.02.2021 and thereby take necessary action against the respondents Nos.6 to 13 and to forbear them from excommunicating the petitioner.

2. According to the petitioner, he belongs to Christian and his wife and son are following Hindu. His ancestors donated land for the purpose of constructing Church, namely Punitha Loordhu Madha Church. Accordingly, Church was constructed and 28 families in his area offering prayers in the said Church. Since the petitioner's ancestor donated land, the petitioner managed the Church from the year 2007 and maintained the daily expenses and other management works. Thereafter, Church Committee conveyed a meeting on 12.05.2018 and appointed the petitioner as Treasurer of the said Church. The sixth respondent herein was appointed as Priest in the year 2019. From the date of his appointment, he along with the other private respondents, compelled the petitioner to convert his wife and son towards Christianity. However, they refused to such conversion. Therefore, the sixth respondent threatened the petitioner by saying that if the petitioner's wife and son are not converted into Christianity, then, he would not be permitted to



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enter into church. The sixth respondent along with respondents 7 to 13 ex-communicated the petitioner and did not allow him to enter into the Church and also did not allow to participate in any Church events and festivals. Thereafter, the petitioner made a complaint before the official respondents on 21.01.2021 and requested them to take action. But, they only issued CSR.No.23 of 2021 and not taken any action. Subsequently, the second respondent vide his communication dated 02.02.2021, directed the fourth respondent to take necessary action on the petitioner's complaint. However, the fourth respondent has not taken any action. Hence, the petitioner filed the present petition.

3.The fifth respondent filed counter stating that the petitioner sent a complaint dated 21.01.2021 and based on the same, the fifth respondent conducted enquiry with the parties. During enquiry, the villagers informed that they never prevented the petitioner and also restrained him from entering into Church and worship. Further informed that they have elected new Head and Administrators for the above said Church and they will not collect tax from the petitioner. Thereafter, the petitioner had given statement that he will seek remedy before the Court relating to his



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capacity of Administrator of the Church and as such, the enquiry was closed on 25.01.2021.

4.The learned counsel appearing for the petitioner would contend that he submitted representation before the respondents dated 21.01.2021. Based on the same, the second respondent directed the fourth respondent to take action through his communication dated 02.02.2021. But the fourth respondent has not taken any steps as directed by the second respondent.

5.The learned counsel appearing for the respondents 7 to 13 would contend that the respondents 7 to 13 are village people and they are not committee members to conduct festivals. In fact, there is dispute with regard to the committee constituted for the purpose of conducting festivals. The petitioner herein already hold the post of Head of the committee for more than 17 years and now, fresh committee was formed and thereby, he developed enmity and filed false complaint.



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6.The learned Additional Public Prosecutor appearing for the official respondents would contend that based on the representation of the petitioner, the fifth respondent conducted enquiry and the petitioner had also given statement that he will seek remedy through Court of law and thereby, the enquiry was closed on 25.01.2021.

7.Heard both sides and perused the materials available in the records.

8.On perusal of records revealed that the petitioner filed a complaint dated 21.01.2021. The said complaint was forward to the fourth respondent for take necessary action. The fourth respondent, in turn, sent the complaint to the fifth respondent and he enquired both parties and thereafter, closed the enquiry. On perusal of counter shows that the private respondents had given statement that they never excommunicated the petitioner and never prevented the petitioner from entering into the Church for worship. Further, the petitioner himself gave statement that he will seek remedy through Court. Therefore,



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nothing survives in this petition to pass further order. It is for the petitioner to challenge the closure report, in accordance with law, if he aggrieved by the closure report.

9. With the above observations, this writ petition is disposed of.

No costs.

19.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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3. The Superintendent of Police, Trichy District, Trichy.
4. The Deputy Superintendent of Police,
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5. The Sub Inspector of Police,
Jambunathapuram Police Station,
Trichy District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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