



W.P.(MD)No.16255 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.16255 of 2021

M.Ganesan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

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

3.The Inspector of Police,
Sethubava Samuthiram,
Peravurani Taluk,
Thanjavur District.

4.Thirugnanam

5.Periyasami

6.Palanivel

7.Vinayagamoorthi

8.Bharath

9.Baskar

10.Sathiyaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents 1 to 3 to consider the petitioner's representation dated 21.08.2021 and take necessary action against the respondents 4 to 10 for their unconstitutional acts of ex-communication against the petitioner.

For Petitioner : Mr.K.Elancheziyan
For R1 to R3 : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For R4 to R10 : Mr.S.Deenadhayalan

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to consider the petitioner's representation dated 21.08.2021 and take necessary action against the respondents 4 to 10 for their unconstitutional acts of ex-communication against the petitioner.

2.According to the petitioner, he married one Annalakshmi 11 years ago and having one daughter and one son. For the past 10 years, he worked at gulf countries and in the year 2020 he settled in his village. Thereafter, there was a misunderstanding with his wife. Then, the petitioner's wife lodged a complaint against the petitioner and his brother



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before the All Women Police Station and the same was enquired and the police advised the wife to live with the petitioner. In the said circumstances, the respondents 5 to 7, at the instigation of fourth respondent and his wife threatened him and forced him to live with his wife with dire consequences. Further, the private respondents made propaganda in the village that the petitioner was not obeyed their words and they ex-communicated him from the village. Further, they directed the villagers to keep away from the petitioner to provide essential commodities and other things. That apart, he was not allowed to go into temple, to get water in the public tap and to use public pathway and also they fined Rs.500/- villagers, who contacted the petitioner. Hence, on 23.07.2021, he made a representation before the third respondent and on 27.07.2021, the third respondent conducted enquiry, at that time, the private respondents apologised before the third respondent and assured not to disturb him in future. Subsequently, on 19.08.2021, at about 07.00 pm., the private respondents came to the residence of the petitioner and threatened the petitioner to keep away from the village, temple and public tab. Due to the same, the petitioner approached the police and District Collector the respondents vigorously excommunicated the



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petitioner from the village. Thereby, he sent a representation dated 21.08.2021 to the respondents 1 to 3 and the same was not considered by them. Hence, the petitioner filed the present petition.

3.The learned counsel appearing for the petitioner would contend that there is a dispute between the petitioner and his wife. Based on the request of his wife, the private respondents herein made threats to the petitioner and also they excommunicated the petitioner and the same was brought to the knowledge of the official respondents through the representation of the petitioner dated 23.07.2021 and thereafter, the matter was enquired by the officials, at that time, the matter was settled. Again the same respondents continued the excommunication and thereby, he sent a representation dated 21.08.2021 and the same was not considered. Hence, the petitioner filed the present writ petition.

4.The learned counsel appearing for the private respondents would contend that no such occurrence was happened as alleged in the representation and already the petitioner gave representation on 23.07.2021 and based on the same, the official respondents had enquired



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the private respondents on 27.07.2021 and they entered into a compromise and thereafter, nothing happened. But, he sent false representation. Hence, the present writ petition is liable to be dismissed.

5.The learned Additional Public Prosecutor appearing for the official respondents would contend that the petitioner already gave representation dated 23.07.2021 and the same was also enquired by the official respondents on 27.07.2021 and it was closed, since matter was settled between the parties. However, the representation dated 21.08.2021 was received, but, no action was taken and the same is pending for consideration.

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

7.Considering the submission made by either side and considering the limited prayer of the petitioner that the representation of the petitioner dated 21.08.2021 has not been considered so far and also considering the facts and circumstances of the case, it is appropriate to



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direct the first respondent to consider the petitioner's representation.

Accordingly, the first respondent is directed to consider the representation of the petitioner dated 21.08.2021, in accordance with law by affording opportunity to all the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, this writ petition is disposed of. No costs.

08.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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P. DHANABAL,J.

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