



W.P(MD)No.18420 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.07.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.18420 of 2020

Megarajan

... Petitioner

-Vs-

1. The District Collector
Collectorate Building,
Ramanathapuram District.
2. The Superintendent of Police
Office of the Superintendent of Police,
Ramanathapuram District
3. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
4. The Tahsildhar
Kamuthi, Ramanathapuram District.
5. The Inspector General of Police
Kamuthi Police Station,
Ramanathapuram District.
6. The Members of Trustees
Rep. through its President,
Kamuthi Kshathiriya Nadar Uravinmurai Trust,
Kamuthi, Ramanathapuram District.
7. The Secretary
Kamuthi Kshathiriya Nadar Uravinmurai Trust,
Kamuthi, Ramanathapuram District

.... Respondents



W.P(MD)No.18420 of 2020

WEB COPY

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 5 to take legal action as against the respondents 6 and 7 and their henchmen for their illegal act of excommunicating the petitioner, his family members and his relatives from the Kamuthi Kshathiriya Nadar community and further direct to ensure that they will not excommunicate the petitioner and his family in future by considering the representation of the petitioner dated on 20.10.2020 which was sent through registered post on 21.10.2020

For Petitioner	: Mr.R.Babu Jaganath
For R1 to R5	: Mr. R.M.Anbunithi Additional Public Prosecutor
For R6	: Mr.V. Panneer Selvam

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus to direct the respondents 1 to 5 to take legal action as against the respondents 6 and 7 and their henchmen for their illegal act of excommunicating the petitioner, his family members and his relatives from the Kamuthi Kshathiriya Nadar community and further direct to ensure that they will not excommunicate the petitioner and his family in future by considering the representation of the petitioner dated on 20.10.2020 which was sent through registered post on 21.10.2020



W.P(MD)No.18420 of 2020

WEB COPY

2. According to the petitioner there was dispute pending between the petitioner and the trust members and thereby the trust members/respondents 5 to 7 have ex-communicated the petitioner from the village and thereby he sent a representation dated 20.10.2020 but the official respondents have not considered the representation, thereby this petition has been filed.

3. The learned counsel for the petitioner contended that there was a dispute with regard to the trust between the petitioner and other trustees, thereby the petitioner was ex-communicated from the particular village namely Kamuthi. Therefore he has sent representation to the District Collector and Superintendent of Police, Ramanathapuram District, but they have not considered the representation. Hence he has filed the present petition.

4. The learned Additional Public Prosecutor appearing for the respondents 1-5 would contend that already the representation of the petitioner was considered and the same was closed. However he is not in a position to produce records to substantiate his contention.



W.P(MD)No.18420 of 2020

5. Considering the facts and circumstance of the case and also the fact that there is no records to show that already the representation of the petitioner was enquired and closed and also considering the nature of complaint given by the petitioner, it is appropriate to direct the official respondents to consider the representation of the petitioner in accordance with law after affording opportunity to the other parties who are interested therein.

6. At this juncture, the learned counsel for the petitioner submitted that the respondents 3 and 4 are the competent persons to dispose the representation given by the petitioner.

7. The learned Additional Public Prosecutor admitted that the fourth respondent is the competent person to deal with this matter.

8. In view of the same, the third and fourth respondents are directed to consider the representation of the petitioner dated 20.10.2010 and pass order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order after affording opportunity of hearing both parties, who are interested therein.



W.P(MD)No.18420 of 2020

WEB COPY

9. With the above direction, the Writ Petition stands disposed of.

No costs.

20.07.2023

Index : Yes/No

Internet : Yes/No

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Ramanathapuram District.
6. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai



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W.P(MD)No.18420 of 2020

P.DHANABAL, J.

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W.P(MD)No.18420 of 2020

20.07.2023