



W.P(MD)No.19735 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

W.P(MD)No.19735 of 2020

R.Saranya

... Petitioner

Vs.

- 1.The District Collector,
Pudhukottai District,
Pudhukottai.
2. The Director General of Police,
Chennai.
3. The Superintendent of Police,
Pudhukottai District,
Pudhukottai.
4. The Inspector of Police,
Ponnamaravathy Police Station,
Pudhukottai District.
5. S.Anadhan
6. M.Chandrasekaran
7. T.Janagi Raman
8. R.Chinnathevan @ Annadurai
9. C.Chinna Raj
10. G.Siva



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11. M.Muthu Karuppan

12. R.Raja Ambala karar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ or order or direction more particularly in the nature of Writ of Mandamus directing the Respondents 1 to 4 to ensure the ordinary, decent and routine life of the petitioner and his family members by taking appropriate action against the ex-communication activities of the Respondents 5 to 12 on the basis of the petitioner's representation dated 07.12.2020.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor,
for R1 to R4

: Mr.A.Arunprasad
for R5 to R8 and R10 to R12

ORDER

This writ petition is filed to direct the Respondents 1 to 4 to ensure the ordinary, decent and routine life of the petitioner and his family members by taking appropriate action against the ex-communication activities of the Respondents 5 to 12 on the basis of the petitioner's representation dated 07.12.2020.



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2.The petitioner is residing at Devar Ammapatti, Thirumayam Taluk. She got married to one Ramasamy, in the year 2014. According to the petitioner, she entered into marriage with the said Ramasamy in violation of their community custom. As per their community custom, they are not entered into marriage with other villagers namely Khovanor, Sevallur, Kuzhithirai, Pudupatti, Rangiyam, Ponnamaravathi and Poolakurichi. In the said circumstances, the villagers had not allowed the petitioner and her family to participate any function and other things in the village. Being that situation, during the Tamil month of Thai, when the petitioner and her family members gave Annathaanam for the devotees, who returned from Palani Paathaiyaathirai at Khovanor Murugan Temple. At that time, the private respondents said to have disconnected the electricity connection and water supply. Hence, she made a representation to the third respondent and other respondents and the same was not properly considered by the respondents. Hence, he filed the present writ petition.

3.The learned Additional Public prosecutor on instructions submitted that absolutely there was no material to substantiate the alleged ex-communication. Both the parties belong to the same



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community and the same village. Because of the marriage was entered between the petitioner with one Ramasamy, by violating the custom of each villagers and taken own decision. Hence, there was no excommunication of the petitioner from the village.

4.The learned counsel appearing for the private respondents appeared and reiterated the submission of the learned Additional Public Prosecutor and he specifically submitted that there is no excommunication as pleaded by the petitioner. They made sweeping allegations against the private respondents and others villagers. For that allegations, the jurisdiction Police officers registered a case and conducted the investigation and closed the case as “Mistake of Fact”. In the above situation, there is no merit in the writ petition.

5.This Court considered the rival submission and also perused the record and counter affidavit filed by the private respondents and written instructions furnished by the Additional Public Prosecutor.

6.From the above narration facts, it is clear that there was no ground to issue direction to take action against the private respondents



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on the ground of ex-communication. It is the dispute between the individual relating to maintain relationship with each other in the villages. Further, the allegations of the petitioner that they are interfered with the Annathaanam programme also redressed by the registration of the case by the jurisdictional police station and conducted the investigation and closed the case as “Mistake of Fact”. In the above circumstances, this writ petition is disposed of with the following directions:

6.1.The writ petition's prayer is not maintainable on the basis of the above finding.

6.2.To redress the petitioner's grievance over the closed the case as mistake of the fact, it is open to the petitioner to approach the competent court by filing appropriate petition. No costs.

18.12.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
vsg



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Pudhukottai.
4. The Inspector of Police,
Ponnamaravathy Police Station,
Pudhukottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K. RAMAKRISHNAN. J.,

vsg

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