



W.P. (MD) No. 6779 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

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C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 6779 of 2016

and

W.M.P.(MD)No. 5837 of 2016

M.Chinnadurai

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

3.The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District.

4.P.Swaminathan,

5.T. Raja Nadar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate action against the respondents 4 and 5 and their men for



W.P. (MD) No. 6779 of 2016

conducting “Kattapanchayath” illegally by excommunicating the petitioner and his family members from the social gathering with the villagers of Seavathaiyapuram and further ensure the petitioner and his family members right to participate in the celebration and poojas of Sriman Narayanasamy Temple situated at Seavathaiyapuram, Sawyerpuram Post, Thoothukudi District.

For Petitioner : Mr. S.M.Mohan Gandhi
For Respondents : Mr. T.Villavankothai (R1 & R2)
Additional Government Pleader
Ms. M.Aasha
Government Advocate (R3)
Mr. B.Rajesh Saravanan (R4 & R5)

ORDER

Heard Mr. S.M.Mohan Gandhi, Learned Counsel for the Petitioner, Mr. T.Villavankothai, Learned Additional Government Pleader for the First and Second Respondents, Ms. M.Aasha, Learned Government Advocate appearing for the Third Respondent, Mr. B.Rajesh Saravanan, Learned Counsel appearing for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed seeking for a direction to the Fourth



W.P. (MD) No. 6779 of 2016

Respondents to take appropriate action against the Fourth and Fifth Respondents and their men for conducting “Kattapanchayath” illegally by ex-communicating the Petitioner and his family members from social gathering with the villagers of Seavathaiyapuram and further ensure the Petitioner and his family members' right to participate in the celebration and poojas of Sriman Narayanasamy Temple situated at Seavathaiyapuram, Sawyerpuram Post, Thoothukudi District.

3. Learned Government Advocate, on instructions from the Third Respondent has filed a memo dated 11.01.2023 stating as follows:-

“It is humbly submitted that this respondent Police conducted an enquiry on the basis of Petition filed by the Petitioner in W.P.No: 6779/2016. At enquiry, the village people told that there is no excommunication against petitioner and his family members in that village. Some of village people were gave statement that petitioner and his family members are used to purchased things in all shops in the village, they took water in public well, went to village temple, worshipped the deity. They further stated that village people



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participated in the condolence of death of petitioner's brother who died few days before. They further stated only donations received from village people for conducting Poojas in the village temple and donations were collected from petitioner for the purpose of conducting Poojas in the village temple. The villagers stated now there is no Thalaikatti Vari collected from anyone in the village as stated in the petitioner in Writ Petition. The present Dharmakartha and former Dharmakartha told that the petitioner and his family members were not excommunicated from village as he stated in Writ Petition. Further they told that the petitioner and his family members were treated equally as that of other villagers in the village. To that effect this memo is filed before this Hon'ble Court."

In view of the aforesaid action taken by the Respondents on the representation made by the Petitioner, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner, if he has any further grievance, from working out his rights before proper forum in the manner recognized by law.



W.P. (MD) No. 6779 of 2016

4. In fine, the Writ Petition is disposed with the aforesaid observations.

Consequently, the connected Miscellaneous Petition is closed. No costs.

11.01.2023

NCC : Yes/No

Index : Yes/No

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Note: Issue order copy by 30.01.2023.

TO:

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.
- 3.The Inspector of Police,
Sawyerpuram Police Station,
Thoothukudi District.



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W.P. (MD) No. 6779 of 2016

P.D.AUDIKESAVALU,J.

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W.P. (MD) No. 6779 of 2016

11.01.2023