



W.P.(MD)No.25164 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 23.11.2022

DELIVERED ON : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.(MD)No.25164 of 2022

and

WMP.(MD).No.19262 of 2022

S.Veni

: Petitioner

Vs.

- 1.The Chief Secretary to Government,
Fort St. George,
Chennai – 600 009.
- 2.The Additional Chief Secretary,
Home Department,
Fort St. George, Chennai – 600 009.
- 3.The Secretary to Government,
Law Department,
Fort St. George, Chennai – 600 009.
- 4.The Director General of Police, (Head of the State Police Force)
Office of the Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai – 600 004.
- 5.The Inspector General of Police,
South Zone, Madurai.



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6. The District Collector,
Ramanathapuram District,
Ramanathapuram.

7. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

8. The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District.

9. Suganya Satheesh
Panchayat Union President,
Soorikanenthall – Village,
Ramanathapuram District.

: Respondents

(Respondents 1 and 5 are *suo motu* impleaded vide order of this Court, dated 11.08.2023 and the original Respondents are re-arranged accordingly)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, Writ of Mandamus, directing these Respondents 1 to 3 (now ranked as Respondents 6 to 8) to remove the unlawful and illegal ex-communication resolution against this Petitioner and her family members in Soorinenthal Village in Paramakudi Taluk, in Ramanathapuram District.

For Petitioner
For Respondents

: Mr.F.X.Eugene
: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R1 to R3

ORDER

This Writ Petition has been filed to direct the Respondents 1 to 3 (now ranked as Respondents 6 to 8), to remove the unlawful and illegal ex-



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communication resolution against this Petitioner and her family members in

Soorinenthal Village in Paramakudi Taluk, in Ramanathapuram District.

2. The learned Counsel for the Petitioner submitted that the Petitioner belongs to Schedule Caste Community. The Petitioner owns 0.14.00 ares of Nanjai lands in S.No.215/2, near the wet lands. They are using this land for thrashing, drying and producing the crops. The other land owners belonging to different communities sought this land. For that, the Petitioner and her Husband refused the same. Therefore, they have passed a resolution to keep the Petitioner and their family members outside the community by way of ex-communication. By way of ex-communication, they resolved not to get festival tax for the local feast and festival (Thalaikattu vari) and also prohibited and restricted the other villagers not to contact and communicate with them. The Petitioner and his family members are restricted from using water resource, walking in the public street, purchasing articles like provisions, commodities, vegetables, fruits etc., and also not to use the village common Well. Therefore, the Petitioner had given a Complaint to the Respondents 1 to 4, but they had not initiated any action. Therefore, this Writ Petition is filed for seeking direction to the Respondents 1 to 3 to remove unlawful and illegal ex-communication



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resolution passed by the fourth Respondent.

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3. When the case came up for hearing, the learned Additional Public Prosecutor furnished the report of the third Respondent to the Tahsildar to convene a Peace Committee Meeting and the matter is pending for investigation.

4. Considering the submission of the learned Counsel for the Petitioner and the learned Additional Public Prosecutor, in W.P.(MD) No. 23337 of 2022 it was a similar petition filed regarding illegal excommunication against the Petitioner in W.P.(MD)No.23337 of 2022. Also during the same period W.P.(MD) Nos.21080 and 21047 of 2022 were filed regarding the same excommunication from a different District. In all these cases, even though the Superintendent of Police of the District concerned was the Respondent, as per the Writ Petitions filed on the criminal side, this Court had *suo motu* impleaded the responsible officers of the State regarding the averments in the specific case. In all cases in W.P. (MD)Nos.21080 & 21047 of 2022 and W.P.(MD) No.23337 of 2022 the persons who are not elected through the local body election which persons who have been elected to the Legislative Assembly or to the Parliament, a group of individuals having man power and muscle power in the villages



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calling themselves as Leaders of the caste concerned are exercising power (illegal) to remove members of the caste/community from exercising their civil rights to participate in functions, to participate in village festivals, to draw water from public tap and to buy provisions from stores, shops concerned for which they do not have any power under any law of this land. They are exercising those powers not vested in them which cannot be exercised by any individual of this country which is found to be in violation of the laws of this Country. Ignoring the fact that this country is now run on the principle of Constitution of India by the elected representatives and through the Government Officials/machineries. These group of individuals are running parallel administration which is similar to the naxalites wielding power in the remote corners of India restraining the members of the public from exercising their civil rights which are considered as serious offences affecting rule of law. Therefore, the Inspector General of Police, South Zone, Madurai, under whose jurisdiction these offences are alleged to have taken place, is *suo moto* impleaded as a necessary party in all these Writ Petitions. Also, the Chief Secretary to Government, Government of Tamil Nadu; the Additional Chief Secretary to Government, Home Department; the Secretary to Government, Law Department; the Director General of Police, Government of Tamil Nadu as Head of the State Police



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Force and the Inspector General of Police, South Zone, Madurai are *suo motu* impleaded as necessary parties to this Writ Petition. The Inspector General of Police, South Zone, Madurai, suo moto impleaded, is directed to nominate an Officer in the rank of Additional Superintendent of Police or Deputy Superintendent of Police who is impartial in conducting the investigation and direct him/her to conduct fair investigation regarding ex-communication in Soorinenthal Village within the local limits of Parthibanur Police Station.

5.The newly added Respondents 1 to 5 shall through the Inspector General of Police, South Zone, Madurai/fifth Respondent herein conduct investigation/enquiry in the District concerned by nominating a Senior Officer not below the rank of Additional Superintendent of Police, Deputy Superintendent of Police and if the provisions of SC/ST (Prevention of Atrocities) Act attracts, a case may be registered against the individual concerned. Also as per the averments in the petition, if the unlawful act of the group of individuals are concerned, what is the law applicable against the naxalites is squarely applicable to this case and appropriate case is to be registered against them for violating the laws of this country under the relevant laws. Also, appropriate remedial measures to be taken.



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In the result, this *Writ Petition is disposed of with the above direction*. Consequently, connected Miscellaneous Petition is closed. No costs.

11.08.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-speaking Order
dh



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To

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



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SATHI KUMAR SUKUMARA KURUP, J.

dh

Order made in
WP.(MD)No. 25164 of 2022

11.08.2023