



WP (MD) No.20168 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.20168 of 2017

S.Edward Raj

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Home,
Fort St.George,
Chennai.
- 2.The District Collector,
Thanjavur,
Thanjavur District.
- 3.The Sub Collector,
Office of Sub Collector,
Kumbakonam.
- 4.The Superintendent of Police,
Thanjavur,
Thanjavur District.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvidaimaruthur.
- 6.The Inspector of Police,
Natchiarkoil Police Station,
Kumbakonam.



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7.Catholic Bisab,
Catholic Christianity Sabai,
Railway Station Road,
Maraimavatam, Kumbakonam.

8.Parish Priest,
St.Sebastian Church,
Villaivarambal,
Ayyawadi (post),
Kumbakonam,
Thanajvur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 6 to take administrators, Kumbakonam for excommunication of the petitioner's family and to provide necessary protection to the Civil Rights of the Petitioner's family in accordance with law and consequently to direct the 7th and 8th respondents to include the petitioner's family members names in Catholic Christian Thirusabai and consequently direct 1, 7 and 8th respondents to compensate the petitioner's family in terms of money for the mental and physical agony faced by the petitioner's due to ex-communication against them.

For petitioner	: Mr.P.Yasmin Begum
For Respondent	: Mr.M.Siddharthan
Nos.1 to 6	Additional Government Pleader
For Respondent	:Mr.S.Rozario Sundarraaj
No.7	
For Respondent	:Mr.C.Muthusaravanan
No.8	



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ORDER

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The petitioner native of Kaaduvetti Village, Kumbakonam Taluk and also a member of the St. Sebastian Church has approached this Court for a direction to the respondents 1 to 6 for taking appropriate action against the Mathakovil Panchayatars for ex-communicating the petitioner and his family from the Catholic Christian Thirusabai.

2.This writ petition was filed in the year 2017. Notice was ordered to the respondents on 02.11.2017. The respondents have not preferred to file any counter affidavit in this writ petition for the past six years.

3.This Court in the earlier occasion on 05.03.2021 directed the parties to appear before the Mediation and Conciliation Centre. However, no mediation report is filed. The petitioner claims that he appeared before the Mediation Centre, but 7th and 8th respondents failed to appear. Contrarily, the 7th and 8th respondents claim that they appeared before Mediation Centre, but it is the petitioner, who failed to appear before the Mediation Centre.



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5.The learned Counsel for the 7th and 8th respondents submits that they have not excommunicated any one and they are always free to offer their prayers in the church. He has also produced a copy of the church register and submits that the petitioner and his family members are members of the Catholic Church and therefore, the apprehension of the petitioner is unwarranted.

6.Considering the submission made by the learned Counsel appearing for the 7th and 8th respondents this writ petition is disposed of with a direction to the 7th and 8th respondents to ensure smooth administration of the church and permit the petitioner and petitioner's family members to offer prayer in the church without any discrimination and if the petitioner is discriminated in future, it is always open to the petitioner to approach the official respondents and get his grievance redressed in the manner known to law. No costs.

26.06.2023

dsk



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B.PUGALENDHI, J.

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