



DATED:24.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2425 of 2022
and W.M.P(MD).Nos.2103 and 2104 of 2022

A.Jackson

... Petitioner

 $V_S.$

1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
2. The District Collector,
Thoothukudi District,
Thoothukudi.
3. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
4. The Revenue Divisional Officer,
Tiruchendur Revenue Division,
Tiruchendur-628 215.
5. Fr. Raveendran
6. Selvaraj



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7.Kalaiselvan

8.Thasnevis

9.Sebastin

10.Glorian

11.Richard

12.Gladston

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the official respondents 1 to 4 to restrain the private respondents 5 to 12 from

a) indulging in ex-communicating

b) preventing the petitioner and his members from venturing into the sea for fishing;

c) preventing the petitioner and their members to offer prayer in the Church;

d) collecting 2% tax on the sale proceeds of the petitioner and their members fish catch alone, but collect it from all the residents;

e) instigating others for the social boycott of the petitioner and his members and to



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f) assess the damages suffered by the petitioner and his members and to adequately compensate them

within the period that may be stipulated by this Court by considering the representation of the petitioner dated 19.01.2022.

For Petitioner	:Mr.M.Jerin Mathew
For Respondents	: Mr.B.Nambiselvan Additional Public Prosecutor for R1 to R4 Mr.M.Sameugene Jebakumar for R5 Mr.P.R.Prithiviraj for R6 to R12

ORDER

This Writ Petition has been filed for a Mandamus to the respondents 1 to 4 to restrain the private respondents 5 to 12 from indulging in ex-communication, preventing the petitioner and his members from venturing into sea for fishing and offering prayers in the Church, collecting 2% tax on the sale proceeds of the petitioner and their members for fish catch and instigating others for the social boycott of the petitioner and his members and to assess the damages suffered by the



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petitioner and his members and adequately compensate them, by considering the petitioner's representation dated 19.01.2022.

2. The case of the petitioner is that the petitioner is a resident and Fisherman of Amalinagar, Tiruchendur, Thoothukudi District and for the welfare and development of Amalinagar, the petitioner formed an Administrative Committee under the Supervision of Rev.Fr.Antony Jegadeesan and renovated the new Church. Thereafter, a new School building was decided to be constructed by a new Committee and it was decided that 3% of income of the fishermen should be paid towards the construction and the other people of the village would contribute as their will from their income for the same. With such arrangement, the expenditure for the construction of Church and School was managed with the funds collected from the people. However, the construction was very poor and collapsed immediately after construction. During the month of June 2018, the petitioner along with some other persons were elected to Amalinagar Village Administration Committee. Thereafter, it came to know that serious omissions and



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commissions had been made by the earlier village Committee in collusion with the fifth respondent and the earlier Committee had misappropriated huge sum of money in the construction of School buildings. While so, the Village Administration Committee demanded that the petitioner and his supporters should pay 3% of their earning to the association. When they refused to pay, the Village Administration Committee has decided to excommunicate 50 families from the village and thereby, prohibited the petitioner and his members from offering prayers and imposed several other restrictions. The Village Administration Committee has started demanding a new tax of 2% on the daily income from the petitioner and boat owners in their fishing sale price. Hence, this Petition has been filed.

3. The learned counsel appearing for the petitioner submits that the petitioner is entitled to live peacefully and no one can ex-communicate the petitioner and his members. The petitioner has made a detailed representation on 19.01.2022 to the official respondents, however, no action has been taken. He would further submit that it would



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suffice if this Court directs the fourth respondent to consider the petitioner's representation dated 19.01.2022 and conduct enquiry in between the petitioner and the New Committee and pass appropriate orders.

4. The learned counsel appearing for the respondents 6 to 12 submits that the tenure of the petitioner's Committee was already over and a new Committee was formed.

5. The learned counsel appearing for the fifth respondent submits that the fifth respondent was already transferred to some other Church and reports no instructions.

6. Considering the submission made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the fourth respondent to conduct enquiry based on the representation made by the petitioner, after providing opportunity to the



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petitioner and the necessary parties and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

24.01.2024

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No

To:

- 1.The Home Secretary,
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- 2.The District Collector,
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Thoothukudi.
- 3.The Superintendent of Police,
Thoothukudi District,
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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J.

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