



W.P(MD)No.18625 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.12.2023
Pronounced on : 22.02.2024

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CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

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M.Selvaraj

... Petitioner

Vs.

1. The Secretary to Government of Tamilnadu,
Home Department,
St.George Fort, Chennai-600 009.
2. The Deputy Inspector General of Police,
South Zone, Chinnachokikulam,
Madurai-02.
3. The District Collector,
Virudhunagar District,
Virudhunagar.
4. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
5. The Sub Collector,
Sivakasi Sub Division,
Virudhunagar District.
6. The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District.



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7. The Tahsildhar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.
 8. The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
 9. G.R.Balamurugan
 10. M.Chandran
 11. P.Palchamy
 12. M.Muppidari
 13. C.Sekar
 14. M.Ravikumar
 15. M.Padhamuthu
 16. K.Joswa
 17. S.Periyasamy
 18. L.Marimuthu
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or order or writ or direction in the nature of writ, directing the respondents 3 and 4 to take appropriate criminal actions against the respondents 9 to 18 for



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excommunicating the petitioner and 7 others from Perumalpatti Nadar Uravinmurai and PKNV Kamaraj Matriculation School, Perumalpatti, Srivilliputhur, Virudhunagar District by considering his representation dated 06.11.2020 and 26.06.2021.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor
for R1 to R8

: Mr.S.M.Anantha Murugan,
for R9 to R18

ORDER

This petition has been filed to direct the respondents 3 and 4 to take appropriate criminal actions against the respondents 9 to 18 for excommunicating the petitioner and 7 others from Perumalpatti Nadar Uravinmurai and PKNV Kamaraj Matriculation School, Perumalpatti, Srivilliputhur, Virudhunagar District by considering his representation dated 06.11.2020 and 26.06.2021.



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2.The writ petitioner is the member of the Perumalpatti Nadar Uravinmurai and PKNU Kamaraj Matriculation School, Perumalpatti, Srivilliputhur, Virudhunagar District. The said Uravinmurai had started to promote the education among his community people's children and established the school in the name and style of PKNU Kamaraj Matriculation School in the year 2006 and now it is upgraded as Higher Secondary School upto 12th standard. In the said community, the petitioner is the eldest member and hence, he hold the superior post in the Sangam activity. There was a issue between the management and hence a complaint was preferred by the office bearers of the school against the petitioner and others. Therefore, they were excommunicated by the remaining people of the community. Thereafter, a complaint was made by one Murugesan. Hence, the said complainant was locked by the remaining community people and office bearers of the school. Thereafter, proper steps were taken to seal. In the mean time, the management of the school authority passed the resolution and resolved to excommunicating the petitioner and other villagers. Therefore, a complaint was made to the Chief Minister of the Tami Nadu/State and the copy was marked to the remaining respondents. In the representation, it was prayed by the petitioner to take action against the persons involved



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in the excommunicating the petitioner from the village by doing Katta Panchayat. Since no action was taken, he filed the present writ petition seeking the above relief.

3.The learned counsel appearing on behalf of the private respondents 9 to 18 filed a counter affidavit denying the allegations and stated that the petitioner and other persons committed many misdeeds, during the course of the management of the school. They swindled and misappropriated the fund of the school. Hence, they were asked to refrain from interfering with the management of the school by way of suit. It is further stated that the suit was contested by the petitioner and the same is still pending. A resolution was also passed in order to control the misappropriation of the amount. Hence, he seeks for dismissal of the petition.

4.The learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 8 filed a counter stating that the eighth respondent conducted the enquiry and closed the enquiry citing the pendency of the writ petition before this Court. Only after the result of this petition, he would take necessary action. Hence, he seeks for dismissal of the



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petition.

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5.This Court considered the submission made on either side and also perused the record.

6.Admittedly, there is a serious allegation against the respondents 9 to 18. From the records and also from the allegations made in the documents filed by both the parties, it is clear that the respondents 9 to 18 passed the number of resolutions excommunicating the petitioner and other persons. The Revenue officials curtailed the fundamental right of freedom of the petitioners. The Division bench of this Court in the case of *K.Gopal Vs. State of Tamil Nadu represented by Chief Secretary* reported in **2005 (4) CTC 241**, tThe Honourable Justice Markandey Katju, C.J., and F.M.Ibrahim Kalifulla.J., had given detailed guidelines to the State Government to take necessary action to curtail the Katta Panchayat and doing excommunication activities. In spite of that direction, the Government did not take any action. Hence, the similar activities continue to happen in Tamilnadu. The petitioner made such allegations against the private respondents.



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7.This Court considered the submission of the learned counsel for the petitioner and without going into the merits of the case and allegation made against the private respondents, this Court issues direction to the first respondent to take necessary action on the basis of the representation dated 30.06.2021 and 27.07.2021 within a period of four weeks from the date of receipt of a copy of this order. The petitioner is at liberty to send this order copy along with the representation dated 30.06.2020 and 27.07.2020 within a period of 7 days from the date of the receipt of a copy of this order. Upon receipt of the same, the first respondent is to consider the representation of the petitioner and look into the allegations and also issue suitable direction on the basis of the Judgment of this Court reported in **2005 (4) CTC 241**. It is made clear that the first respondent secretary to the Government is to look into the allegation of the excommunication either within the community or in the different communities, which is a serious matter of infraction of the fundamental rights of the citizens of the India. Hence, the first respondent herein is directed to strictly conduct meaningful enquiry on the basis of the allegation made against the private respondents and take necessary action against the private respondent, if the allegations are



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found to be true. This court repeatedly deal with similar excommunication issues within various communities of the villages “*The heart bleeds*”.

8. With the above observation, this writ petition is disposed of. No costs.

22.02.2024

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



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9. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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K.K. RAMAKRISHNAN. J.,

vsg

Pre-delivery order made in
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Dated :22.02.2024