



W.P(MD)No.18719 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.18719 of 2024

R.Alexander

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul.

3.Francis Xavier

4.Sasikumar

5.Appulu @ Joseph Sagayaraj

6.Anthony

7.Ammulu

8.Jayakar

9.Nelson

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take appropriate action against the ex-communication of the petitioner by the respondents 3 to 9 herein by considering the representation of the petitioner dated 25.03.2024.



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For Petitioner : Mr.S.Sekar
For Respondents : Mr.A.Kannan (for R1 & R2)
Additional Government Pleader
Mr.B.Senthilkumar (for R3, R4 & R9)
Mr.M.Sasi (for R8)
No appearance (for R5 to R7)

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to take appropriate action against the ex-communication of the petitioner by the respondents 3 to 9 herein by considering his representation dated 25.03.2024.

2. The case of the petitioner is that the petitioner born with 5 siblings. Except the petitioner, all other persons got jobs and retired from their service and they are also leading a comfortable life. They tried to sell out the ancestral property. Originally, the said property was assigned by the Government to the petitioner's mother, namely, Lurdhu Mary, in T.S.No.1096 to an extent of 868 sq.ft. After her demise, the petitioner constructed a tiled house in 190 sq.ft out of 868 sq.ft. It the grievance of the petitioner that he was also insisted by his siblings to sell the dwelling house. Since the same was refused, he was removed from St., Antony Church and also ex-communicated. In this regard, he gave a representation to the respondents 1 and 2, but the same has not been considered so far. Hence, the petitioner is before this Court.



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3. Heard both sides.

4. The learned Government Pleader, on instructions, would submit that it is purely civil dispute between the parties and there is no ex-communication.

5. Considering the above and the very nature of the allegation made in the affidavit filed in support of this petition, it reveals that there was a dispute between the parties in respect of their share. If the petitioner have any grievance with regard to his share, his remedy lies before the competent civil Court by way of filing a suit for partition and not before this Court under Article 226 of the Constitution of India. The civil dispute cannot be converted as the public issue. Hence, I do not find any merits in this petition. Accordingly, this Writ Petition is dismissed. No costs.

13.09.2024

NCC : Yes / No
Index : Yes / No
Rmk



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N.SATHISH KUMAR, J

Rmk

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul.

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