



W.P.(MD)No.24691 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.24691 of 2022

S.Anburaj

... Petitioner

Vs

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Kovilpatti Division,
Thoothukudi District.
- 3.The Thasildhar,
Ottapidaram Taluk,
Thoothukudi District.
- 4.The Inspector of Police
Tharuvaikulam Police Station,
Tharuvaikulam,
Thoothukudi District.
- 5.Thommaï Micheal @ Maharaja
- 6.Yogaraj
- 7.Chandra Bose



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8.Jeyasingh

9,Jeyarex

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to take action against respondents 5 to 9 and their men based on the petitioner's representation dated 20.10.2022 regarding Ex-communication of the petitioner's family from the society and directing them to ensure the normal life of the petitioner's family in his village.

For Petitioner : Mr.M.Perumal

For R-1 to R-4 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R-5 to R-9 : Mr.KA.Ramakrishnan

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing respondent Nos.1 to 4 to take action against respondent Nos.5 to 9 and their men based on the petitioner's representation dated 20.10.2022 with regard to ex-communication of the petitioner's family from the society and directing them to ensure the normal life of the petitioner's family in his village.



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2. The case of the prosecution is that the petitioner is a Vice

President of the Fisherman Association of 36 Villages and he is one of the Kattalaikarars out of six Kattalaikarars for the past fifteen years in respect of the St.Michael Aathithuthar Church, Tharuvaikulam Village. There are 2400 families in the petitioner's Village and most of the people were doing fishing activities. It is seen that one of the Old Church, viz., St.Michael Aathithuthar Church is situated in his Village which was managed by six families. It is seen that in the year 2010, one Xavier, who was then as Kattalaikarar from our family has involved in misappropriation of money and the petitioner found that many Kattalaikarars have not maintained proper accounts. Thereby, the petitioner made a complaint on 03.10.2022 before the fourth respondent and requested the village people and other Kattalaikarars to nominate a Committee consisting of twenty persons to maintain the church accounts and property. However, no action has been taken by the fourth respondent and subsequently, all other Kattalaikarars joined together and ex-communicate the petitioner from the Church and thereby, the petitioner made a complaint before the Revenue Officials and on 28.03.2022, a Peace committee Meeting was conducted by the second respondent and he advised both the parties to approach concerned Court



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for getting appropriate relief. Aggrieved over the same, the petitioner has filed this present petition,

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the first respondent to conduct the enquiry with regard to the ex-communication made by the other Village Kattalaikarars as against the petitioner's family and pass appropriate orders.

4. The learned Additional Public Prosecutor appearing for the State would submit that the enquiry has been conducted and the same was closed on the representation given by the petitioner dated 20.10.2022.

5. It is seen that there was a management dispute between the petitioner's group and other groups in the Village, for which, the petitioner made a representation to the respondents. This Court perused the entire materials and records which reveals that it is purely a Church management dispute. Therefore, this Court feels that the petitioner has to get appropriate remedy from the appropriate Civil Court and not under Article 226 of the Constitution of India.



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6. With the above observation, the Writ Petition stands dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

15.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG
To

- 1.The District Collector,
Thoothukudi District,
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- 2.The Revenue Divisional Officer,
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Thoothukudi District.
- 3.The Thasildhar,
Ottapidaram Taluk,
Thoothukudi District.
- 4.The Inspector of Police
Tharuvaikulam Police Station,
Tharuvaikulam,
Thoothukudi District
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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