



W.P.(MD)No.10610 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.10610 of 2017

AL.Subramanian

... Petitioner

/Vs./

- 1.The District Collector,
Sivagangai District.
- 2.The Superintendent of Police,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 4.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
- 5.Azha.Subramanian (Ambalakara),
Posanikalam, Nerukoppai,
Thiruppathur Taluk,
Sivagangai District.
- 6.Manikam
- 7.Chandran
- 8.R.Sevugan
- 9.Nagarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to initiate



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appropriate proceedings against the respondents 5 to 9 for ex-communicating the petitioner and his family based on the petitioner's representation dated 29.05.2017.

For Petitioner	: MrJ.Anandkumar
For R1 to R4	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R5 to R9	: No Appearance

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus directing the respondents 1 to 4 to initiate appropriate action against the respondents 5 to 9 for excommunicating the petitioner and his family members from the village by considering the representation of the petitioner dated 29.05.2017.

2.The learned counsel for the petitioner submits that petitioner and the private respondents herein are the residents of Nerkuppai Village, Thirupattur Taluk, Sivagangai District. The sixth respondent has misappropriated the common fund to the tune of Rs.5 lakhs and lending the same for interest and he was drawing water from the Kanmai, which is the source of drinking water for the public and cattle in the village, by using diesel motor pump. Further, for the festival of the temple in the village, the sixth respondent had not collected donation (thalaikattu vari) from the petitioner. When the illegal activities of the



sixth respondent was questioned by the petitioner, the sixth respondent excommunicated the petitioner and his family members from the village. The learned counsel for the petitioner substantiated the act of excommunicated of the petitioner stating that on 12.05.2017, when the marriage of the petitioner's brother was solemnized, even the newly married couple was not permitted to worship in the village temple. Hence, the petitioner is before this Court with the present writ petition.

3.The learned Additional Government Pleader submits that there are two groups in the village namely, the group led by Chokkalingam and the group led by Naagu. The petitioner belongs to the group led by Naagu. Chockalingam is administering the temple affairs. There is a dispute between these two groups. Therefore, the petitioner's group is raising issues against Chockalingam's group and filing petitions one after another. In order to substantiate this contention, the learned Additional Government Pleader has produced a copy of the order passed by this Court in writ petitions filed by the petitioner herein and Naagu in W.P. (MD)Nos.24758 and 25041 of 2023 dated 16.10.2023.

4.The above said writ petitions were disposed of by this Court directing the Inspector of Police, Nerkuppai Police Station, Sivagangai district to ensure that the Kumbabisekam is being conducted in the temple in question and also to



ensure that the Thalaikattu vari is being collected from all the villagers including the petitioner. He further produced the report of the peace committee and the proceedings of the Executive Magistrate/Revenue Divisional Officer, Thirupattur in MC.No.9 of 2023 dated 21.06.2023 initiating proceedings under Section 107 Cr.P.C., as against the members of both groups as the peace committee meeting was not fruitful.

5.This Court considered the submissions made on either side.

6.It appears that there is a dispute between the petitioner and a group led by one Chockalingam. Thereby, the petitioner has raised an issue before the Revenue Divisional Officer that the petitioner was discriminated from the village and therefore, a peace committee meeting was conducted on 06.05.2023 by the Revenue Divisional Officer, Thevakottai in the presence of other officials and suggested the parties to solve their issues amicably. It appears that the parties were not ready to resolve the issues among them. Therefore, the Revenue Divisional Officer has initiated proceedings as against both groups under Section 107 Cr.P.C. Summon was also issued to the petitioner on 21.06.2023.

7.It is seen that the issue on hand has already been taken up by the Revenue Divisional Officer, Devakottai and criminal proceedings were initiated as against



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the petitioner as well as the rival group. Accordingly, this writ petition is disposed of directing the Revenue Divisional Officer to look into the issue raised by the petitioner and find out whether there is any excommunication procedure prevailing in the village of the petitioner. If it is found that such a practice is prevailing in the village, stringent action should be taken as against the persons, who are practicing excommunication in the village. No costs.

05.01.2024

Index : Yes / No

Internet : Yes / No

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B.PUGALENDHI,J.

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