



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 24.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)No.986 of 2017

and

C.M.P.(MD).No.6717 of 2017

K.Chellathurai

... Appellant

Vs.

1.The Superintendent of Police,
Office at Nagercoil,
Kanyakumari District.

2.The Deputy Superintendent of Police,
Office at Kanyakumari,
Kanyakumari District.

3.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Board,
Office at
Tirunelveli Region,
Tirunelveli District.

4.A.Ponni

5.S.Rajasekaran

6.S.Prabakaran

7.Jegan

...Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 14.06.2017 passed in W.P.(MD) No.6251 of 2017 on the file of this Court.

Prayer in WP(MD). 6251/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified mandamus calling for the records of the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.No.34/Ka.Thu.Ka/Ka.Ku/Camp/2017 dated 09.03.17 and quash the same and further direct the respondents 1 & 2 herein not to interfere with the celebration of festivals and management of Sreeman Narayanaswamy Pathi (Temple), Thamaraiikulam Village, Agastheeswaram Taluk, Kanyakumari District, pending appeal suits in A.S.No.33 of 2006, A.S.No.58 of 2007, A.S.No.35 of 2010 before the District Judge, Nagercoil



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For Appellant : Mr.D.Nallathambi
For R1 to R3 : Mr.M.Murugan
Government Advocate
For R4 and R5 : No Appearance

JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

By consent, the writ appeal itself is taken up for final disposal.

2.Heard Mr.D.Nallathambi, learned Counsel appearing for the appellant and Mr.M.Murugan, learned Government Advocate appearing for respondents 1 to 3.

3. This appeal has been preferred against the order of the learned Single Judge, who disposed the writ petition by stating that the relief sought for no longer survives the festival has already been over.

4.The learned counsel appearing for the appellant would submit that a finding has been given by the impugned order which is subject matter of the writ petition and therefore, the same will have to be set aside.

5. The order has been passed more by consent. It is the case of the private respondents that nothing survives for adjudication, in view of the festival already been taken place. In any case the respondent, who passed the impugned order namely the second respondent is not an adjudicating authority. Thus the order passed has to be construed only for the purpose of conducting the festival alone, which is already over. Therefore, the said order work its out, thus the said order cannot be relied upon for any further future function, in which case, the respondents 1 & 2 as the case may be will have to hear the parties and take a decision.

6.In such view of the matter, the writ appeal is disposed of and the impugned order is set aside. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar



To

1.The Superintendent of Police,
Office at Nagercoil,
Kanyakumari District.

2.The Deputy Superintendent of Police,
Office at Kanyakumari,
Kanyakumari District.

3.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Board,
Office at
Tirunelveli Region,
Tirunelveli District.

+1cc to Mr.D.Nallathambi,Advocate,SR.67338

+1cc to M/S.Special Government Pleader,SR. 67625

W.A. (MD) No.986 of 2017
and

C.M.P. (MD) .No.6717 of 2017
24.07.2017

TA/AM

KK/SKN RSK/SAR 4/28.07.2017/ 3P- 6C/