



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Tenth day of January Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU

WEB COPY

WMP (MD) No.330 of 2017

IN

WP (MD) No.415 of 2017

T.UDAYAKUMAR
PRESIDENT,
SIVA DEVASTHANAM,
HINDU NADAR SAMUTHAYA VAGAI,
IRULAPPAPURAM, KOTTAR POST,
NAGARKOIL-2,
KANYAKUMARI DISTRICT

... PETITIONER/PETITIONER

Vs

1 THE DISTRICT COLLECTOR
KANYAKUMARI, OFFICE AT NAGARKOIL,
KANYAKUMARI DISTRICT

2 THE REVENUE DIVISIONAL
OFFICER CUM SUB JUDICIAL MAGISTRATE,
NAGARKOIL, KANYAKUMARI DISTRICT

3 THE TASHSILDAR
AGASTHEESVARAM TALUK, KANYAKUMARI DISTRICT

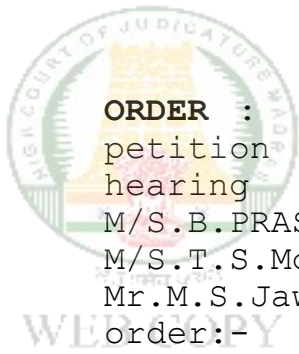
4 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, AGASTHEESVARAM TALUK,
NAGARKOIL, KANYAKUMARI DISTRICT

5 V.SAMBASIVAM

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Interim stay all further proceedings in Na.Ka.A3/2419/2016 dated 02.01.2017 passed by the 2nd respondent read along with the impugned proceedings dated 02.01.2017 passed by the 4th respondent pending disposal of the above writ petition.

Prayer in WP(MD). 415/ 2017 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of certiorari to call for the records of the impugned proceedings in Na.Ka.A3/2419/2016 dated 02.01.2017 passed by the 2nd respondent read along with the impugned proceedings dated 02.01.2017 passed by the 4th respondent and quash the same



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.R.SWAMINATHAN, Advocate for M/S.B.PRASANNA VINOTH, Advocate for the petitioner and of M/S.T.S.Mohammed Mohideen, Addl.Govt.Pleader for R1 to R4 and Mr.M.S.Jawaharlal, Advocate for R5, the court made the following order:-

Notice of motion returnable by four weeks.

2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents 1 to 4. Mr.M.S.Jawaharlal, learned counsel takes notice for the fifth respondent.

3.Mr.G.R.Swaminathan, learned counsel appearing for the petitioner prayed for granting an interim order of stay of impugned order by contending that the Revenue Divisional Officer, who passed the impugned order, is not having any jurisdiction and that the impugned order virtually stalled all the religious activities in the subject matter temple.

4.I have gone through the affidavit filed in support of the writ petition and the impugned order passed by the second respondent. Prima facie, I do not find any reason to stay the impugned order even at this stage itself, more particularly, when I have noticed that the impugned order referred to three murders said to have taken place continuously in the year 2010, 2011 and 2012, in connection with one of the rituals, namely, Samiyattam, had taken place in the village. It is also seen that several criminal cases are filed under Section 302 IPC and other offences and they are pending. It is also seen that the peace committee conducted by the authorities also did not fetch any result for amicable settlement between the parties, as it appears that both are very rigid on their own view. Considering all these aspects, the Revenue Divisional Officer seems to have passed the present impugned order allowing the pooja and daily prayers only in the temple and preventing the celebration of any festival, Samiyattam or procession with special event at the temple. As the Revenue Divisional Officer has taken note of the law and order situation in the village and passed the impugned order, I do not think that the same can be stayed pending final adjudication of the writ petition even while considering the jurisdictional issue raised by the petitioner. Therefore, I am not inclined to grant any interim relief much less the one as sought for in this stay petition.

Accordingly, the stay petition in W.M.P(MD)No.330 of 2017 is dismissed.

sd/-
10/01/2017



TO

1 THE DISTRICT COLLECTOR
KANYAKUMARI, OFFICE AT NAGARKOIL,
KANYAKUMARI DISTRICT

2 THE REVENUE DIVISIONAL
OFFICER CUM SUB JUDICIAL MAGISTRATE,
NAGARKOIL, KANYAKUMARI DISTRICT

3 THE TASHSILDAR
AGASTHEESVARAM TALUK, KANYAKUMARI DISTRICT

4 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, AGASTHEESVARAM TALUK,
NAGARKOIL, KANYAKUMARI DISTRICT

+1. C.C. to M/S.B.PRASANNA VINOTH Advocate SR.No.2125/17
+1cc to MR.M.S.Jawaharlal, Advocate in SR No.1746/17

ORDER
IN
WMP (MD) No.330 of 2017
IN
WP (MD) No.415 of 2017
Date :10/01/2017

anr/ss2/sar3/11.01.2017/3p/7c