



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MRS.JUSTICE T.RAVINDRAN

W.A. (MD) .No.32 of 2017

and

W.P. (MD) .Nos.415, 3858 and 23925 of 2017

and

W.M.P. (MD) .Nos.20077, 20078 and 6285 of 2017

W.A. (MD) .No.32 of 2017

T.Udhayakumar

... Appellant/Petitioner

Vs.

1.The District Collector,
Kanyakumari,
Office at Nagercoil,
Kanyakumari District.

2.The Revenue Divisional Officer
cum Sub Judicial Magistrate,
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.

4.The Inspector of Police,
Kottar Police Station,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

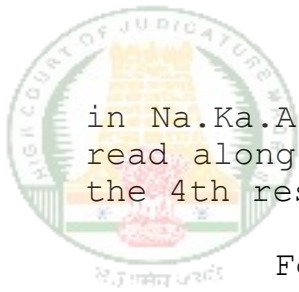
5.V.Sambasivam

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act, challenging the order passed by this Court in W.M.P.(MD).No.330 of 2017 in W.P. (MD).No.415 of 2017, dated 10.01.2017.

Prayer in WMP(MD). 330/ 2017 in WP(MD). 415/2017:

<https://hcservices.ecourts.gov.in/hcservices> 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.

For Appellant

: Mr.N.Dilip Kumar

For R1 to R4

: Mr.VR.Shanmuganathan,
Special Government Pleader

For R5

: Mr.M.S.Jawaharlal

W.P. (MD) .No.415 of 2017

T.Udhayakumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari,
Office at Nagercoil,
Kanyakumari District.

2.The Revenue Divisional Officer
cum Sub Judicial Magistrate,
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.

4.The Inspector of Police,
Kottar Police Station,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

5.V.Sambasivam

... Respondents

PRAYER: Writ Petition is filed under Article 227 of the Constitution of India for issuance of 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 second respondent read along with the impugned proceedings dated 02.01.2017 passed by the fourth respondent and quash the same.

For Petitioner

: Mr.N.Dilip Kumar

For R1 to R4

: Mr.VR.Shanmuganathan,
Special Government Pleader



For R5

: Mr.M.S.Jawaharlal

W.P. (MD) .No.3858 of 2017

R.Ramesh Kumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari,
Office at Nagercoil,
Kanyakumari District.

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Revenue Divisional Officer
cum Sub Judicial Magistrate,
Nagercoil,
Kanyakumari District.

4.T.Udhayakumar

... Respondents

PRAYER: Writ Petition is filed under Article 227 of the Constitution of India for issuance of a writ of Mandamus directing the respondents 1 to 3 to take appropriate legal action against the fourth respondent and his men for ex-communicating the people of Erulappapuram Village /Members of Siva Devasthanam based on the complaint of the petitioner dated 21.04.2016 and also the orders of the third respondent's proceeding in Na.Ka.No.A3/2419/2016, dated 02.01.2017 within the period stipulated by this Court.

For Petitioner

: Mr.Anand C.Rajesh

For R1 to R3

: Mr.VR.Shanmuganathan,
Special Government Pleader

For R4

: Mr.N.Dilipkumar

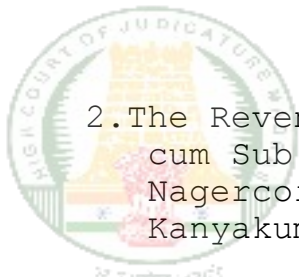
W.P. (MD) .No.23925 of 2017

G.Rajkumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari,
Office at Nagercoil,
Kanyakumari District.



2.The Revenue Divisional Officer
cum Sub Judicial Magistrate,
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.

4.The Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District.

5. The Inspector of Police,
Kottar Police Station,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

6.V.Sambasivam

... Respondents

PRAYER: Writ Petition is filed under Article 227 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the proceedings issued by the second respondent in Na.Ka.No.A3/2419/2016, dated 14.12.2017 and quash the same and consequently direct the second respondent herein to permit the petitioner to conduct Karthigai Devara Thiruvassaga Bhajani Pattabhiseka function at Arulmighu Pasupatheeswara Prasanna Parvathi Thirukovil and also Marghil Thiruvadarai Thiruvizha to be conducted on 02.01.2018 and also to celebrate Marghali Kodai Vila from 25.12.2017 to 27.12.2017 at temple premises.

For Petitioner : Mr.K.Prabhu

For R1 to R5 : Mr.VR.Shanmuganathan,
Special Government Pleader

For R6 : Mr.T.Ramasamy

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by **M.DURAISWAMY,J.**)

When the writ appeal and the writ petitions are taken up for hearing, the learned counsel on either side submitted that the parties are settled the matter out of Court and also filed a Joint Memorandum of Compromise, dated 18.12.2019. Further, the learned counsel on either side submitted that the writ appeal and the writ petitions are jointly dispose of in terms of the Joint Memorandum of Compromise, dated 18.12.2019.



2. The learned counsel for the appellant has produced the Joint Memorandum of Compromise, dated 18.12.2019, before this Court, which is taken on record and shall form part of the judgment. The petitioner and the respondents are also present in the Court and they also acknowledged the execution of the Joint Memorandum of Compromise, dated 18.12.2019.

3. In view of the submission made by the learned counsel on either side, the Writ Appeal and the Writ Petitions are disposed of, in terms of the Joint Memorandum of Compromise. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

To

1.The District Collector,
Kanyakumari,
Office at Nagercoil,
Kanyakumari District.

2.The Revenue Divisional Officer
cum Sub Judicial Magistrate,
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.

4.The Inspector of Police,
Kottar Police Station,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

5.The Superintendent of Police,
Kanyakumari District,
Nagercoil.



6.The Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District.

+1cc to Mr.Ananth C.Rajesh,Advocate, SR.No. 106243

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and

W.P. (MD) .Nos.415, 3858 and 23925 of 2017

20.12.2019

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