



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH
W.P. No.11835 of 2020

B.S.Kannan

.....Petitioner

Vs.

- 1.The Commissioner,
HR & CE (Admin) Department,
Chennai.
- 2.The Joint Commissioner,
HR & CE (Admn) Department,
Salem 636 001.
- 3.Mr.B.P.Balasubramanian

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus to call for the records pertaining to the First Respondent in R.C.No.45051 of 2019/D2 and quash the impugned order dated 15.02.2020, and direct the First Respondent to take the Review Petition on the file after condoning the delay in filing the Review Petition.

For Petitioners: Mr.L.Ramkumar

For Respondents: Mr.NRR.Arun Natarajan,
Government Advocate for R1 & R2
Mr.Wilson Topaz for
M/s.AS.Kailasam Associates for R3.

O R D E R

A Joint Memorandum of Compromise has been duly executed by the petitioner and the third respondent to the effect that the litigation in this writ petition has been settled out of Court. The said memo dated 06.07.2021 reads as follows,

'Joint Memorandum of Compromise filed by the petitioner and the 3rd Respondent.

The parties state as follows:



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1. The above Writ Petition has been filed challenging the dismissal of a Petition to condone the delay in filing an appeal as against the order of the Joint Commissioner, H.R. & C.E. Department, Salem,

2. The Petitioner has also filed CC. No.38/2021 on the file of the Magistrate Court, Karur against the 3rd Respondent and 9 others and the same is pending.

3. The parties have now come to a compromise and the same is recorded as under-

a) The Petitioner undertakes to unconditionally withdraw C.C. No.38/2021 pending on the file of the Magistrate Court, Karur.

b) The 3rd respondent hereby confirms that he has no objection for the petitioner being appointed as Joint Hereditary Trustee of Sri Vaitheeswaran Koil Temple at Bommarapalayam Village, Namakkal District on withdrawal of the CC. No.38/2021 pending on the file of the Magistrate Court, Karur.

c) The 3rd respondent shall forward a separate letter to the Joint Commissioner, HR & CE, Salem recording his No objection for the appointment of the petitioner as Joint Hereditary Trustee immediately upon withdrawal of the C.C. No.38 of 2021 as mentioned above by the Petitioner.

d) Failure to perform their respective obligations as recorded in this memo of compromise by the Petitioner and the 3rd Respondent shall be deemed to be in contempt of the orders that will be passed in the above Writ Petition based on this Joint Memo of compromise.

e) The parties plead that the Hon'ble High Court to pass suitable orders directing the 1st and 2nd Respondents to appoint the petitioner as Joint Hereditary Trustee of Sri Vaitheeswaran Koil Temple at Bommarapalayam Village, Namakkal District within one month from the date of receipt of Non-objection letter from the 3rd respondent.

In view of the above the Petitioner and the 3rd Respondent pray that this Hon'ble Court may be pleased to record this Memorandum of Compromise, pass suitable orders and render justice.'



Recording the above memo, this writ petition is closed as settled. No costs.

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Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

rkp

To

1.The Commissioner,
HR & CE (Admin) Department,
Chennai.

2.The Joint Commissioner,
HR & CE (Admn) Department,
Salem 636 001.

+1cc to Mr.L.Ramkumar, Advocate Sr.32730
+1cc to the Government Pleader Sr.32954

W.P. No.11835 of 2020

rgn[co]
srg 27/07/2021