



W.P.(MD)No.10197 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.09.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.10197 of 2013

and

M.P(MD).No.1 of 2013

T.Pirammanayagam

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Thasildar,
Rathapuram Taluk,
Rathapuram.
Tirunelveli District

3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

4.C.S.I. Diocese Rep. by its,
Bishop,
Nagercoil,
Kanyakumari District.



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5.The Pastor,
C.S.I. Church,
Levincheepuram,
Radhapuram Taluk,
Tirunelveli District.

6.The Sub Inspector of Police,
Palavoor Police Station,
Palavoor,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents Nos.1, 2, 3 and 6 to initiate appropriate legal proceedings as against the respondents 4 and 5 forthwith within a time frame as specified by this Court for causing the Sudalaimadaswamy temple to be disappeared by putting construction in the nature of Marriage Hall as well as inducing the religious people to disturb communal harmony.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
for R1 to R3 and R6
No appearance for R4 and R5



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ORDER

This Writ Petition was filed for a direction to the respondent Police to initiate proceedings against the respondent Nos.4 and 5 on the ground that they have put up illegal construction in the nature of marriage hall and thereby, were obstructing an existing temple which would ultimately end up in a communal disharmony.

2. Heard Mr.S.Palanivelayutham, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondent Nos.1 to 3 and 6.

3. A status report was filed by the sixth respondent during the pendency of this writ petition. The relevant portions in the status report are extracted hereunder:

2. It is humbly submitted that the petitioner belongs to the Hindu religion and his family members are maintaining One Sudalairrada Swamy Temple in Levenjipurarn which is within the jurisdiction of Palavoor Police Station and likewise the 4th respondent



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who is the C.S.I Bishop maintained a CSI School which was adjacent to the above said Sudalaimada Swamy Temple.

3. It is further submitted that the 4th respondent demolished the above said CSI School entirely and started to construct a Community Hall in the very same place and subsequently, On 28.05.2013 the Petitioner lodged a complaint against 4th respondent to stop the construction of the Community Hall and on the very same day the 4th respondent lodged a complaint against the petitioner for disturbing their construction work of Community Hall before the Pazhavor Police Station. The said two cases have been registered as case and counter U/s 107 Cr.P.C in Palavoor P.S. Cr.No. 152 and 153 of 2013. The cases registered against the petitioner and the fourth respondent have been forwarded to the second respondent who is the Tahsildar, Radhapuram for further action.

4. It is further submitted that the petitioner and the 4th respondent parties appeared before the 2nd respondent on 13.06.2013 and a compromise was



arrived and it was written as compromise agreement with 3 decisions to follow by both the parties.

5. It is submitted that subsequent to the compromise agreement entered in between petitioner and the 4th respondent the petitioner has preferred this present writ petition with the prayer for directing the respondents No. 1, 2, 3 and 6 to initiate appropriate legal proceedings as against the Respondent 4 and 5 forthwith within a time frame as specified by this Hon'ble Court for causing the Sudalaimadaswarny temple to be disappeared by putting construction in the nature of Marriage Hall as well as inducing the religious people to disturb communal harmony.

6.It is further submitted that subsequent to the present writ petition the relative of the petitioner one Rajan filed a original Suit against the 4th respondent and 4 others regarding the very same issue before the Hon'ble Principal District Munsif Court at Valliyoore which was taken on file in O.S.No. 172 of 2013 and subsequently both the plaintiff and the defendant have entered



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in to a compromise and it has been submitted as Memo before the Hon'ble Principal District Munsif Court at Valliyoor and the said suit O.S.No. 172 of 2013 has been decreed on 03.03.2014 after recording the compromise agreement memo dated 23.02.2014.

7. It is humbly submitted that both the petitioner and the 4th respondent have entered into a compromise before the 2nd respondent and has settled before the Hon'ble Principal District Munsif Court at Valliyoor with a compromise Memo and at present there is no issue regarding the communal Harmony in between the petitioner and the fourth respondent.

4. Recording the above, this Writ Petition is closed. No costs.

Connected miscellaneous petition is closed.

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Index : Yes / No
Speaking Order : Yes / No
ssb



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