



W.P.(MD) No.4879 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.4879 of 2023

and

W.M.P.(MD) Nos.4555, 4556 and 4557 of 2023

Arulmigu Sri Yamadharmarajan Tirukoil,
Rep., by its Secretary, Suba. Raja,
Sri Yamadharmarajan Koil and
Community Welfare Trust,
Sri Yamadharmarajan Tirukoil,
Thiruchitrambalam P.O., Pattukottai Taluk,
Thanjavur District-614 628.

.. Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments (Admn) Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments (Admn) Department,
Thanjavur District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments (Admn) Department,
Thanjavur District.



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4.G.Rajendran

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ Certiorarified Mandamus to call for the records pertaining to the impugned order vide Se.Mu.Na.Ka.No. 406/2022/753A dated 09.01.2023 on the file of the third respondent and quash the same as illegal, and consequently direct the respondents to record and register the Poosari appointed by the Trustees of the Temple as 'Poosari' for performance of customary poojas and other rituals in the petitioner temple for the period between 2023-2026, within a time frame stipulated by this Court.

For Petitioner	:	Ms.J.R.Annie Abinaya
For RR1 to 3	:	Mr.P.Subbaraj Special Government Pleader
For R4	:	Mr.A.Nikitha

ORDER

Aggrieved by the appointment of the fourth respondent as the Poosari, despite intimation by the petitioner's Trust about the appointment of the Poosari by the representatives of the eight branches belonging to the Adi Dravidar Community to whom Arulmighu Shri Yamadharumarajan Tirukoil, the petitioner is before this Court.



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2. The petitioner is before this Court seeking the issue of a Writ of Certiorarified Mandamus to quash this order and to direct the respondents to record and register the Poosari who has been appointed by the Trustees of the temple as Poosari for the performance of the customary poojas and other rituals for the period between 2023 and 2026.

3. The facts are as follows:

The temple in question is claimed to be an ancient temple of Lord Yama, who is believed to be the god of 'death' and 'justice'. The petitioner would contend that apart from the shrine of Lord Yamadharma, there are twelve other shrines set apart for different deities. The management of the affairs of the temple is vested with eight branches of the Adi Dravidar Community in Thiruchitrambalam Village, Pattukottai. The eight branches are the (i) Karumana Kuruvi, (ii) Vazhuppan Karai, (iii) Easan Karai, (iv) Yegan Karai, (v) Soviya Karai, (vi) Seeliya Karai, (vii) Kadamban Karai and (viii) Udaiyan Karai. The petitioner would



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state that these eight branches have evolved a custom for the management and administration of the temple. As per this custom, on a rotation basis for a period of three years, the Chairman, Vice Chairman, Secretary, Joint Secretary, Treasurer and Coordinator are appointed and they in turn would nominate a Poosari for the said period. This system has been in vogue since the time of the present Office Bearers' ancestors.

4. The petitioner would further submit that the idols were made of limestone and brick and the temple had gone into a dilapidated stage due to lack of maintenance and therefore, only an annual pooja was being held for the last 30 years. In the year 1991, the people of the community with contributions had started renovation work of the temple which was ultimately completed only in the year 2018 and *Kudamuzhukku (Kumbabishegam)* was conducted in a grand manner. Now, pooja is being conducted on a daily basis and the Yamakanda Pooja is being conducted on every Saturday between 01.30 p.m and 03.00 p.m. This is the special significance of this temple. It is also the custom of the members that the Poosari would be selected only from the Soviya Karai



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branch. In case, a person, who has been appointed, is temporarily unable to discharge his duties, then an other person only from this branch would be appointed as a temporary Poosari. After the *Kudamuzhukku* was conducted, the members decided to have a proper scheme framed in respect of the petitioner-temple and accordingly, a petition under Section 64(1) of the Hindu Religious and Charitable Endowments Act, 1959 was filed before the second respondent. The petition has also been taken on file as O.A.No.20 of 2022. Notice has also been issued in the said application. The fourth respondent has filed an application to implead himself as a party to the proceedings.

5. In an annual meeting of the eight branches held on 18.01.2023, resolutions were passed appointing the Office Bearers and other executive committee members. A new Poosari one K.Muruganandham was also nominated to discharge duties as the Poosari of the temple. The said Muruganandham was the member of the Soviya Karai branch. He had been appointed after relieving the fourth respondent who till then was serving as Poosari. After the appointment of the new Poosari, the



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fourth respondent has started creating trouble and not allowing the new Poosari to conduct the pooja. He had, in fact, gone to the extent of locking up the *sanctum sanctorum*. This created an uproar amongst the community members and thereafter, the temple was once again reopened. The petitioner would submit that it is the said Muruganandham who is continuing to conduct the poojas. All of a sudden, the petitioner was served with the impugned order by the fourth respondent stating that he had been appointed as the Poosari and that the said Muruganandham had to step down and permit to continue. This order has been passed without notice to the members of the administrative committee of the petitioner-temple. Therefore, the petitioner is before this Court.

6. The learned counsel appearing for the fourth respondent would submit that the fourth respondent has been appointed by due process of law by the authorities and that he had taken charge as Poosari of the temple.



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7. A counter to this effect has also been filed by the fourth respondent, who in addition would claim that the temple belongs to his ancestors and that it is he and his ancestors who have been doing pooja and administering the temple. He therefore, sought for dismissal of the writ petition.

8. The learned Special Government Pleader appearing on behalf of respondents 1 to 3 would submit that the fourth respondent has been appointed under the *Orukala* Pooja scheme and that he has already been officiating as Poosari.

9. Heard the learned counsel appearing for the parties.

10. It is an admitted fact that a petition for framing a scheme is already pending before the authorities and in the said petition, the petitioner has stated that he and his community people are in control and management of the said temple. The fourth respondent has filed a petition to implead himself. While so, it is not known as to how



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respondents 1 to 3 have appointed the fourth respondent without notice whatsoever to the Trustees. Even assuming that respondents 1 to 3 are yet to recognise the Trustees as the administrators of the temple, they are aware of a rival claim with regard to the temple in question and due process requires that all parties concerned should be put on notice before orders are passed.

11. Taking note of the fact that the impugned order is passed without notice or an enquiry of all interested parties, this Writ Petition is allowed, the impugned order dated 09.01.2023 is set aside. It is made clear that the Poosari who has been appointed by the Trustees of the petitioner-temple shall continue as Poosari. However, it is open to the fourth respondent to approach the authorities concerned for redressal. No costs. Consequently, connected miscellaneous petitions are closed.

19.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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P.T.ASHA, J.

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