



W.P.(MD) No.8801 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8801 of 2023

and

W.M.P(MD) No.8047 of 2023

Adaikkan

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur,
Thanjavur District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
North 3rd Street,
Pudukkottai,
Pudukkottai District.

3.The Executive Officer,
Arulmighu Bagavathi Amman Thirukovil,
Keeranur,
Pudukkottai District.

4.The Executive Officer,
Pudukkottai Devasthanam,
Near Vitoba Temple,
Pudukkottai,
Pudukkottai District.

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to recognize the petitioner as Poosari in the Adaikalam Kathar, Ayyanar, Nalukidai Karuppar, Pidari Amman and other sub deities Temples situated at Pudur Village, Illuppur Taluk, Pudukkottai District, on the basis of the representation of the petitioner dated 20.06.2022 within a time frame to be stipulated by this Court.

For Petitioner : Mr.A.Karthigaivel

For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader

For R3 & R4 : Mr.G.Madhavan

ORDER

The above writ petition has been filed for a mandamus directing the respondents to recognize the petitioner as Poosari in the Adaikalam Kathar, Ayyanar, Nalukidai Karuppar, Pidari Amman and other sub deities Temples situated at Pudur Village, Illuppur Taluk, Pudukkottai District, on the basis of the representation of the petitioner, dated 20.06.2022 within a time frame to be stipulated by this Court.



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2. It is the case of the petitioner that his right as the Hereditary Poosari has been recognized by the second respondent, who has issued Membership Identity Card called the “Grama Kovil Poosarikal Nalavariyam” and the Inspector of Hindu Religious and Charitable Endowment Board has issued the certificate dated 15.06.2006 to that effect. The petitioner would submit that the village temple festival had been conducted between 30.05.2022 and 11.06.2022, during which, a group clash had arisen resulting in the RDO, Illuppur, Pudukkottai District conducting a peace committee meeting on 02.06.2022. It is the grievance of the petitioner that despite being the Poosari, he has not been summoned during the peace committee meeting. Without hearing him, the RDO directed the fourth respondent to appoint new Poosari, who is from amongst the other villagers for doing pooja and the same has also been accepted by the fourth respondent. On the basis of this resolution, the respondents 3 and 4 attempted to appoint a new Poosari in the year 2022 got the temple festival held in the year 2022. This is also objected by the villagers. Therefore, the respondents permitted the petitioner to



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do pooja in the temple festivals in the year 2022 along with new Poosari.

The petitioner has also participated in the poojas.

3. It is the further case of the petitioner that since the above act was a bad precedent and not as per the custom, the petitioner had moved a representation dated 20.06.2022 to the respondents asking them not to follow the resolution passed in the peace committee meeting held on 02.06.2022 with reference to the appointment of new Poosari. However, the respondents have not given any response to this representation. The festival for this year is to be between the period 30.05.2023 to 11.06.2023 and it is also decided to conduct Kumbabhisegam for the Adaikalamkathar Temple, which is under the control of the second respondent. Without permission of the respondents authority, they had issued pamphlet showing some other person as Poosari. Therefore, this petitioner is before this Court.

4. Heard the learned counsel appearing on either side.



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5. Admittedly, a representation has been sent by the petitioner and that apart, he has been appointed as Poosari by rotation, which is evident from the certificate dated 15.06.2006 issued by the Inspector of Hindu Religious and Charitable Endowment Board, Keeranur, Kulathur Taluk, Pudukkottai District. It has been, time and again, held by this Court that resolution passed by peace committee meeting does not have a force of law. However, considering the fact that festival is round the corner and a representation has already been made by the petitioner, this Writ Petition is disposed of giving a direction to the first respondent to consider the representation of the petitioner particularly in the light of the certificate issued by the Inspector of HR&CE Board, Keeranur, Kulathur Taluk, Pudukkottai District and pass appropriate order within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2023

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

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P.T.ASHA, J.

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