



W.P.(MD) No.8858 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.8858 of 2023

C.Kuppankonar

.. Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and
Charitable Endowment Board,
Thanjavur.

2.The Executive Officer,
Pudukkottai Devasthanam,
Pudukkottai,
Pudukkottai District.

3.The Executive Officer,
Arulmigu Bagavathy Amman Kovil,
Keeranur, Kulathur Taluk,
Pudukkottai District.

4.V.Subramanian

5.R.Kuppan

6.R.Sokkaiya

7.A.Pandian

.. 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 1st respondent to dispose the petitioner's original application in O.A.No.78 of 2022 within the time stipulated by this Court.

For Petitioner : Mr.C.Bharathi
For R1 : Mr.P.Subbaraj
Special Government Pleader
For R3 : Mr.G.Madhavan

ORDER

The petitioner seeks the issue of a Writ of Mandamus to the first respondent to dispose of his original application in O.A.No.78 of 2022 within a stipulated time.

2. The issue involves the conduct of poojas and festivals in the temple of Arulmigu Adaikalamkathar, Arulmigu Nallukidaikaruppar, Arulmigu Pidariamman, Arulmigu Panchammal, Arulmigu Malaimareeamman, Puthur Post, Illupur Taluk, Kulavaipatti, Pudukkottai District and Arulmigu Muthuambal, Kudumiyanmalai Village which the petitioner claims is their ancestral temple.



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3. The petitioner would contend that the administration of the affairs of the temple as also the pooja was being done only by his ancestors and thereafter, the same has been handed down to the petitioner. He would contend that he was appointed as Pujari on 05.09.1991 by the proceedings of the second respondent and since then he has been conducting the poojas. The petitioner would also submit that his family got gifted lands for conducting the festivals in the Sikagirishwarar and Akilandeswari Temple of Kudumiyanmalai Village, Illupur Taluk and Vetrionda Ayyanar in Puthurvillage. The first honour therefore, was always given to the members of the petitioner's family, when the idols were being taken out in procession. That apart, the petitioner would also submit that lands have also been given to various temples for the maintenance of the temple wherein the members of his family are involved in the administration and running of the temple. In this regard, the petitioner has moved the first respondent under Section 63(b) of the Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as “the Act”) to declare him as the hereditary



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trustee. This application has been numbered as O.A.No.78 of 2022. The matter had come up on 10.04.2023 and later on 13.04.2023.

4. The petitioner would submit that the festival of the temple falls due between 30.05.2023 and 11.06.2023. It is his further contention that the villagers are attempting to conduct this festival without getting permission from the HR and CE Department or involving the petitioner and his family members. Therefore, it is his contention that there is an imperative need to hear his application at the earliest and therefore, the present writ petition has been filed.

5. Heard the learned counsel for the parties.

6. The petitioner has moved the first respondent by way of an application under Section 63(b) of the Act for recognising him as a hereditary trustee and as stated, the temple festival is due on 30.05.2023. During such time, there is a necessity to have a responsible person running the administration of the temple. Therefore, a direction is issued



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to the first respondent to dispose of the original application positively before 30.05.2023.

7. With the above observations and direction, this Writ Petition is disposed of. No costs.

19.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The Joint Commissioner,
Hindu Religious and
Charitable Endowment Board,
Thanjavur.



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P.T.ASHA, J.

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