

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.9092 of 2023

and

W.M.P(MD)No.8234 of 2023

K.Manoharan

... Petitioner

Vs.

1. The Hindu Religious Charitable
Endowments Department,
Represented by its Commissioner,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai -34.
2. The District Collector
Pudukkottai District,
Pudukkottai.
3. The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
Thanjavur.

4. The Assistant Commissioner
Hindu Religious Charitable Endowment Department,
Near Municipality Office,
Pudukkottai District.
5. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
6. The Tahsildar.
Aranthangi Taluk Office,
Pudukkottai District.
7. The Inspector of Police,
Avudaiyarkovil Police Station,
Aranthangi Taluk,
Pudukkottai District.
8. V. Muthuramalingam
9. V. Sethuraman ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to appoint an Executive Officer to the religious Institution namely, Arulmigu Muthumariamman Temple situated at Keelacheri, Kodugavayal Village, Aranthangi Taluk, Pudukkottai District and consequently direct the respondents 1 to 4 to conduct the Kumbabishegam Festival in Arulmigu Muthumariamman Temple situated at

Keelacheri, Kodugavayal Village, Aranthangi Taluk, Pudukkottai District with the participation of the members of the Scheduled Caste Community without any hindrance.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.S.Kameswaran
Government Advocate, for R-1 to R-6

Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side), for R-7

M/s.J.Anandhavalli, for R-8 & 9

ORDER

This writ petition has been filed for Writ of Mandamus, directing the 1st respondent to appoint an Executive Officer to the temple namely, Arulmigu Muthumariamman Temple situated at Keelacheri, Kodugavayal Village, Aranthangi Taluk, Pudukkottai District and also seeking consequential direction to the respondents 1 to 4 to conduct the Kumbabishegam Festival.

2. Heard Mr.S.Rajasekar, the Learned counsel appearing for the petitioner, Mr.S.Kameswaran, the Learned Government Advocate appearing for the respondents 1 to 6, Mr.K.Sanjai Gandhi, the Learned Government Advocate (Criminal side) appearing for the 7th respondent, M/s.J.Anandhavalli, the Learned counsel appearing for the respondents 8 & 9 and perused the material documents available on record.

3. The contention of the petitioner Manoharan is that he was discriminated and was not allowed to participating in the Kumbabishekam. The contention of the 8th & 9th respondents (V. Muthuramalingam and V. Sethuraman) is that they are the Managing Trustees and they have every right to conduct the Kumbabishekam. And also submitted that they never discriminated anybody and everyone is allowed to worship the deity. After recording the submission of the both the parties, especially recording the submission of the V. Muthuramalingam and V. Sethuraman that they will not discriminate, this Court vide order dated 07.07.2023 granted permission to the said V. Muthuramalingam and V.

Sethuraman to **conduct** Kumbabishekam festival. However, the petitioner taking advantage of the word “conduct” the petitioner had dictated terms to conduct Kumbabishekam. When this was brought to knowledge of the Court, this Court vide order dated 24.07.2023 clarified that the said V. Muthuramalingam and V. Sethuraman alone are granted permission to **conduct** Kumbabishekam festival and it was also clarified that the petitioner is entitled to worship alone.

4. Today, when the matter is taken up for hearing, the Learned Counsel appearing for the said V. Muthuramalingam and V. Sethuraman had brought to the knowledge of this Court that the V. Muthuramalingam and V. Sethuraman being Hereditary Trustees is empowered to conduct Kumbabishekam and this Court has also granted permission to conduct Kumbabishekam by the said V. Muthuramalingam and V. Sethuraman alone.

5. But the petitioner as well as the Official respondents, day in and day out was imposing certain conditions for conducting Kumbabishekam, thereby

totally interfered with the conducting of Kumbabishekam and thereby violated the orders of the Court. The petitioner in order to conduct the kumbabishekam smoothly, left with no option was forced to adhere to their terms. For this allegation the said V.Muthuramalingam and V. Sethuraman had relied on a communication issued by the Inspector to the Assistant Commissioner, where it has been stated as under:

“ குடமுழுக்கிற்கு முதல் நாளான வருகின்ற 02.09.2023 அன்று சோபகிருது வருடம் ஆவணி மாதம் 16ம் நாள் சனிக்கிழமை உத்திரட்டாதி நட்சத்திரமும், கிருஷ்ண பட்சம் சதுர்த்தி சித்தயோகமும் கூடிய சுபயோக சுபதினத்தில் காலை 10.30 மணிக்கு மேல் 12.00மணிக்குள் கீழ்கண்ட சிலா விக்கிரகங்களை அதன் பீடத்திலிருந்து அகற்றி அஷ்டபந்தன மருந்து சாற்றுவதற்கு அனுமதி வேண்டியும், மருந்து சாற்றுவதற்கு ஆகும் செலவுகளை உபயமாக செய்து தர வேட்டனார் கிராமத்தைச் சேர்ந்த திரு.பொண்.குணசேகரன் த-பெ.பொண்ணையா என்பவர் சம்மதக் கடிதம் அளித்துள்ளார். ”

6. Generally, Kumbabishekam is conducted, by collecting money from the general public and the amount will be spent for conducting Kumbabishekam festival. There would not be any specific mention for which service / activity the money is contributed. It is a collective contribution of money goes to common pool without mentioning to which the Kaigariyam the money is spent and this is the concept of Kumbabishekam. Moreover, there is a difference between the “conducting of festival” and “participating in the festival”. When this Court directed the V. Muthuramalingam and V. Sethuraman to conduct the Kumbabishekam, the direction issued by the official respondents is interference in the rights of the said V. Muthuramalingam and V. Sethuraman. Therefore, the direction of the official respondent to collect amount for specific activity is illegal. This Court is of the considered opinion that it is clear contempt.

7. The learned counsel appearing for the petitioner vehemently opposed and submitted that he never ever interfered in conducting the

Kumbabishekam.

8. It is seen from the records that earlier a Writ Petition in W.P. (MD)No.609 of 2023 was filed by the said V. Muthuramalingam and V. Sethuraman to grant police protection. In the said writ petition the said V. Muthuramalingam and V. Sethuraman had submitted an undertaking before this Court that they would not discriminate people who are attending the Kumbabishekam. This Court recording the said submission has directed to the said V. Muthuramalingam and V. Sethuraman to submit an undertaking before the authorities. After recording the said submission only, the said V. Muthuramalingam and V. Sethuraman were allowed to conduct Kumbabishekam. In the said writ petition the petitioner Manoharan is one of the respondents. In the aforesaid writ petition, when there is a specific order not to discriminate, the petitioner Manoharan alleging that there is discrimination in the present writ petition is unwarranted. At this stage the Learned Counsel appearing for the said the said V. Muthuramalingam and V. Sethuraman submitted that the present writ petition is filed to appoint of Executive Officer under the guise of discrimination and the same is clear interference in the rights of the said V. Muthuramalingam

and V. Sethuraman to conduct Kumbabishekam. After hearing the contention of the said V. Muthuramalingam and V. Sethuraman, this Court is of the considered opinion that the petitioner has no *Locus Standi* to file this writ petition with a prayer to appoint Executive Officer. That is why this Court is of the opinion the petitioner Manoharan is interfering in the smooth functioning of temple administration and also the smooth functioning of the Kumbabidhekam.

9. By taking all these facts into consideration, this Court strictly passing the following order:

(i). The petitioner can never interfere in the Management of the Temple, since the Hereditary Trustee is recognized by the authorities.

(ii) The authorities shall issue directions to manage the temple as per Provisions of the HR & CE Act. More so, it shall be only for the secular aspects of the temple alone.

(ii) If any interference which is brought to the

knowledge of this Court, this Court will be viewed seriously and *Suo Motu* Contempt proceedings will be initiated.

(iii) After conducting Kumbabishekam, 48 days Mandala Pooja ought to be conducted. The said V. Muthuramalingam and V. Sethuraman are directed to file a petition before the concerned Police officials for providing necessary Police protection along with the copy of this Order. The Police officials are directed to provide necessary police protection for the Mandala Pooja

10. With these specific observations and directions, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

Internet : Yes

NCC : Yes / No

Ksa

13.09.2023

Note : Issue a copy of Order on 15.09.2023

To

1. The Commissioner,
Hindu Religious Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
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S.SRIMATHY, J

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