



W.P.(MD) No.14495 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.14495 of 2023

and

W.M.P.(MD) Nos.12626 and 12711 of 2023

C.Jeyakumar

... Petitioner

/vs./

- 1.The Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment
Department,
HR &CE Commissionarate,
119, Uththama Gandhi Road,
Nungampakkam,
Chennai 600 034.
- 2.The Regional Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Board,
H.306, TNHB Colony,
Ellis Nagar,
Madurai District.
- 3.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Board,
H.306, TNHB Colony,
Ellis Nagar, Madurai District.



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4.The Executive Officer/Thakkar,
A/M. Maamundi Ayyanar Temple,
Kancharampettai,
Office at Arulmighu Kalyana Sundareswarar Temple,
Melur,
Madurai District.

5.The Deputy Superintendent of Police,
Oormetchikulam Sub Division,
Office at Oormetchikulam,
Madurai District.

6.M.P.R.Malayandi @ Ashok

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to (i) issue a direction to the official respondents to release and receive Rs.7.10 lakhs from HR and CE Department from A/M. Meenakshi Sundareswarar Temple, Madurai so as to complete the A/M Maamundi Ayyanar Temple Kancharampettai, Madurai as per the estimate prepared and approved by the respondents 1 to 4 with immediate effect, (ii) to direct the respondents 1 to 4 to perform renovation and Kumbabeshagam work as per Agama by including the Thiruppani Kuzhu as per the order issued in Se.Mu.Na.Ka.No.923/2009/A5 dated 15.02.2011 of the 3rd respondent herein, (iii) to issue a direction to remove all new name inscriptions made in the temple or Puravi (Kuthirai) (North Kuthirai and South Kuthirai) in any manner with immediate effect, iv) to provide police protection to the temple festival and Kumbabeshagam in the temple A/M Maamundi Ayyanar Temple from 29.06.2023



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to the safety and hormone in the area and v) to issue a direction to permit all community people in the renovation work and Kumbabeshegam work irrespective cast who are living in an around the A/M Maamundi Ayyanar Temple Kancherampettai, Madurai North Taluk, Madurai District.

For Petitioner : Mr.K.P.Krishna Doss

For R1 to R5 : Mr.R.Baskaran, AAG assisted by
Mr.P.Subbaraj
Special Government Pleader

For R6 : Mr.S.Ramsundar Vijayaraj

ORDER

The petitioner has sought a spate of reliefs by way of a Writ of Mandamus which is set out herein below.

2.The petitioner has based the entire case on the fact that the temple, called Arulmighu Mamundi Ayyanar had been established at Kancharampettai 300 years ago and the same was in a dilapidated condition till 2019. Thereafter, with the efforts of the local people, devotees and the HR & CE officials, permission was granted for renovation and performing Kumbabesegam by the first respondent through order dated 15.02.2011. A committee to oversee this renovation work



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under the presidentship of one M.P.R.Malayandi @ Ashok was formed by the order of the third respondent. Since the amount fixed by the Department and the work that was to be undertaken were inadequate, a revised estimate was prepared and sent to the higher authorities. As per the revised estimate, the cost was fixed at Rs.17,10,000/-, out of which a sum of Rs.10,00,000/- was to come from the general fund of the HR & CE and the remaining amount of Rs.7,10,000/- was to be paid from the fund of Arulmighu Meenakshi Sundareshwarar Temple, Madurai.

3.The petitioner's contention is that a sum of Rs.10,00,000/- had been released. However, a sum of Rs.7,10,000/- was yet to be received. Without completing the renovation work and not following the Aahamas, it is the contention of the petitioner that the respondents are attempting to hold the Kumbabesegam. He would submit that since politicians are involved and it is they who are giving the directions to the Department, only one particular community is permitted to do the renovation work. Earlier, W.P.(MD) No.10311 of 2023 was filed for a direction to the HR & CE Officials to perform the Kumbabeshegam after completing the renovation work. The officials were directed to fix a date



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within 8 weeks from the date of receipt of a copy of that order. The officials have now fixed the date of the Kumbabeshegam on 29.06.2023 without even completing the renovation work. Special honours have been given to the people of a certain community and their names are being etched at prominent places of the temple (within the Puravi or Kuthirai). Therefore, the petitioner has come forward with the instant writ petition.

4. When the matter had come up on 20.06.2023, this Court had passed the following order:-

“It is brought to the notice of this Court that contrary to the order of this Court, stone inscription has been permitted to be placed below the kuthirai vahanam. Further, though the temple is situated in Kancharampettai, the Executive Officer of the Temple invented a new problem by issuing a invite showing the names of other villages, all of whom had nothing to do with the temple in question.

2. It is also seen that this has hurt the sentiments of the villagers of Kancharampettai and there has been widespread unrest in the village and there has also been closing down of the shops in and around the place. Therefore, the fourth respondent/Executive Officer of the temple shall report to this Court that she has removed the stone inscription from the two places, where it has been put up and shall



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print a new invite for the Kumbabishekam showing only the name of the village, where the temple is situated.

3. Post the matter on 23.06.2023.

4.The fourth respondent shall appear before this Court on the said date.”

5.When the matter had come up today, a status report has been filed by the fourth respondent, wherein it has been stated that the inscription slabs have been blacked down. However, as regards the removal of the name of the other two villages in the invite, the fourth respondent would press into service the following conditions found in the judgment in O.S.No.256 of 1947 on the file of the District Munsif Court, Melur.

“13.It is respectfully submitted that apart from the prayer raised in the Writ Petition one more relief was made by the Writ Petitioner before this Hon'ble Court is to remove the names of Periyapatti Village, Chinnapatti Village and Kavanur Village from the Kumbabhishekam invitation. It is respectfully submitted that from judgment of the year 1947 passed in O.S.No.256 of 1947, a sale deed dated 18.07.1921 was executed in favour of the temple in question shows that Arulmigu Maamundi Ayyanar Temple is common temple belonging to Periyappatti Village, Chinnapatti Village and Kavanur Village, but the same is



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situated at Kancharampettai Village. Since due to shortage of time and I have no authority to ascertain rights of the parties, at the same time in order to avoid law and order issue, included the names of said villages in the invitation and also informed the said villagers as well as Kancherampettai Village they would not get any right because of including the name of their village in the invitation and if any right is claimed by any of the villagers we have directed them to approach appropriate forum for redressal of their grievances. This respondent reserves his right to file additional status report if and when necessary.”

6.The judgment in O.S.No.256 of 1947 has been enclosed in the typed set of papers. A reading of the said judgment, it is seen that the sale price for the purchase of the land in question was from the hundial collection and from the common funds of three villages, namely Periyapatti Village, Chinnapatti Village, Kavanur Village. This would clearly justify the inclusion of the names of the other two villages in the invite and no exception can be taken to the same. That apart, it is seen that the petitioner has himself participated in a peace committee meeting, where he has agreed to have the Kumbabesegam with the following conditions:-



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தீர்மானம்: 1	அருள்மிகு மாமுண்டி அய்யனார் சாமி கோவில் குடமுழுக்கு நிகழ்ச்சி தொடர்பான அனைத்து நிகழ்ச்சிகளுக்கும் பொதுமக்கள் அனைவரும் வருகை தந்து சிறப்பிக்குமாறு இந்து-சமய அறநிலைய துறை சார்பாக கேட்டுக்கொள்ளப்படுகிறது.
தீர்மானம்: 2	மேற்படி குடமுழுக்கு நிகழ்ச்சியில் எந்த ஒரு தனி நபருக்கும் மரியாதை வழங்கப்படமாட்டாது.
தீர்மானம்: 3	மேற்படி குடமுழுக்கு நிகழ்ச்சிகள் அனைத்தும் இந்து-சமய அறநிலைய துறையின் கீழ் எந்த ஒரு தனி நபரின் தலையீடு இன்றி நடத்தப்படும் என்ற விபரம் தெரிவிக்கப்படுகிறது.
தீர்மானம்: 4	மேற்படி குடமுழுக்கு விழாவில் எவ்வித கருத்து வேறுபாடு இன்றி அனைத்து தரப்பினரும் ஒருமித்தவாறு பங்களிப்பினை வழங்கி மேற்படி குடமுழுக்கு விழா சிறப்பாக நடைபெற்றிட ஒத்துழைப்பினை வழங்கிட கேட்டுக்கொள்ளப்படுகிறது.
தீர்மானம்: 5	ஏற்கனவே குடமுழுக்கு நிகழ்ச்சி தொடர்பாக பிரசுரிக்கப்பட்ட அழைப்பிதழில் பெரியபட்டி (காஞ்சரம்பேட்டை) சின்னப்பட்டி, காவனூர் என அச்சிடப்பட்டதை திருத்தம் செய்து திருக்கோவிலுக்கு சமீபவத்தில் கிடைக்கப்பெற்ற கல்வெட்டு, அசல் வழக்கு எண்:256/1945 வழக்கு, கிராம மக்களின் கோரிக்கை ஆகியவற்றை இந்து-சமய அறநிலைய துறை பரிசீலனை செய்ததில் கீழ்க்கண்டவாறு அழைப்பிதழில் திருத்தங்கள் செய்து இந்து சமய அறநிலைய ஆட்சித்துறை சார்பாக அழைப்பிதழ் அச்சிடப்பட்டு வழங்கப்படும் என இந்து சமய அறநிலைய ஆட்சித்துறையினரால் தெரிவிக்கப்பட்டது. அருள்மிகு மாமுண்டி அய்யனார் திருக்கோவில் காஞ்சரம்பேட்டை (nghpagl;b> rpd;dg;gl;b> fhtD}h;)

7.In the light of the above, no orders need to be passed by this Court in the



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above writ petition. Consequently, the Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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

23.06.2023

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P.T.ASHA, J.



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