



WP(MD)No.15090 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.15090 of 2023

M.Perumal

... Petitioner

Vs

- 1.The District Collector,
Madurai District.
- 2.The Superintendent of Police,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
Madurai District,
Madurai.
- 4.The Deputy Superintendent of Police,
Usilampatti Division,
Usilampatti,
Madurai District.
- 5.The Inspector of Police,
Checkanoorani Police Station,
Checkanoorani,
Madurai District.
- 6.Balu
- 7.Raman



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8.The Commissioner,
HR and CE Department,
119, Uthamar Gandhi Salai,
Chennai - 600 034.
[R8 is *suo motu* impleaded vide
order dated 18.07.2023 in
WP(MD)No.15090 of 2023]

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a writ of mandamus directing the respondents 1 to 4 to grant permission for conducting kumbabisekam of Perumal Samy Nallathangal Temple situated at Kodikulam Village, Usilampatti Taluk, Madurai District on the basis of the representation given by the petitioner dated 13.06.2023 within time stipulated by this Court.

For petitioners : Mr.C.Jeganathan

For Respondent : Ms.D.Farjana Ghousia,
Nos.1 & 3 Special Government Pleader

For Respondent : Mr.P.Kottaichamy,
Nos.2,4 & 5 Government Advocate (crlside)

For Respondent : Mr.S.P.Maharajan
No.8 Special Government Pleader

For Respondent : Mr.D.Malaichamy
Nos.6 and 7

ORDER

The petitioner and the other groups have proposed to conduct Kumbabisekam in the temple viz.,



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Perumalsamy Nallathangal Temple that the Kumbabisekam was conducted 20 years before. The 6th and 7th respondents are having serious objections for the petitioner to perform the kumbabisekam that a civil suit is pending before the District Munsif Court, Usilampatti.

2.Considering the rival submissions made on either side, this Court by order dated 18.07.2023 *suo motu* impleaded the Commissioner, HR and CE Department, Chennai as party to this writ petition.

3.The learned Special Government Pleader appearing for the HR& CE Department submits that the Commissioner has already appointed the Executive Officer of the Arulmighu Sundara Mahalingam Temple, Sathuragiri as Fit Person to the temple in dispute in the year 2006 itself.

4.The learned Counsel for the petitioner submits that they have already made a representation along with the groups belonging to Padivuthevar,



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Piraviathevar, Ochathevar, Rekkanpattian Thevar and Kondikootam Thevar on 13.06.2023 with a request permit them to conduct Kumbabisekam between 08.09.2023 and 10.09.2023. In view of the objections raised by the 6th and 7th respondents and due to insufficient time, they have postponed the Kumbabisekam to 16.09.2023 and 17.09.2023.

5.The learned Counsel for the 6th and 7th respondents strongly objects that if the petitioner group is permitted to conduct the kumbabisekam, it would confer right on the petitioner in the temple. He further submits that a suit is pending before the District Munsif, Usilampatti and therefore, no further decision can be taken in this writ petition pending the civil suit.

6.The learned Special Government Pleader appearing for the HR and CE Department submits that if the Court directs them to conduct Kumbabisekam, they are ready to conduct the kumbabisekam.



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7.This Court considered the rival submissions and perused the materials placed on record.

8.Considering that the Kumbabisekam for the temple was originally scheduled to be held between 08.09.2023 and 10.09.2023 and it is re-scheduled on 16.09.2023 and 17.09.2023 in view of the pendency of the writ petition, this writ petition is disposed of with the following directions:

(i)The Kumbabisekam for the temple shall be conducted under the supervision of the Fit Person already appointed by the HR & CE Department.

(ii)The HR and CE Department has expressed that they are not having the required funds to conduct the Kumbabishekam for this temple. Therefore, the petitioner shall bear the expenses towards the conduct of this kumbabishekam.



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(iii) Only with a view to conduct the Kumbabishekam, the above orders are passed only as an interim arrangement. It is made clear that this does not confer any right on any of the parties, since the issue is pending before the civil court.

(iv) The Special Government Pleader appearing for the respondent No.8 is directed to instruct the Fit Person to extend his fullest co-operation in conducting the kumbabisekam and if he apprehends any law and order issues, he shall get necessary protection from the Police. No costs.

07.09.2023

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

Note: Issue order copy on .09.2023

DSK

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B. PUGALENDHI , J .

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