



W.P.(MD).No.16699 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).Nos.16699 and 17297 of 2023
and
W.M.P.(MD).No.14482 of 2023**

W.P.(MD).No.16699 of 2023:

P.Durai Raja

... Petitioner

Vs.

1.The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Pudukkottai Thirukovilkal (Near Prakathambal Thirukovil),
Thirukokarnam – 622 002,
Pudukkottai District.

2.K.Chinnudurai

3.The Tahsildar,
Ponnamaravathi,
Pudukkottai District.

... Respondents

*(R-3 is suo motu impleaded vide Court Order dated 12.07.2023 in
W.P.(MD).No.16699 of 2023)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 26.06.2023 and to act in accordance with law within the stipulated time fixed by this Court.



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For Petitioner : Mr.Babu Rajendran
For R-1 : Mr.G.Mathavan
For R-2 : Mr.K.P.Narayana Kumar
For R-3 : Mr.R.Suresh Kumar,
Additional Government Pleader.

W.P.(MD).No.17297 of 2023:

K.Karuppaiah

Vs.

... Petitioner

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
S.M.Road, Near Temple Tower Hotel
Thanjavur – 613 001.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai,
Pudukottai District.

4.The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Pudukottai Devasthanam,
Pudukottai District.

5.Adaikalam

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fourth respondent in Se.Mu.Na.Ka.No.506/2014/J dated 16.09.2022 and quash the same and consequently direct the 2nd respondent to conduct an enquiry on the complaint against 5th respondent and to appoint any other eligible person as poosari in the Mavayal Kattu Ayyanar Temple, Keelathaniyam Village, Ponnamaravathi Taluk, Pudukottai District by considering the petitioner's representation dated 08.07.2023.

For Petitioner : Mr.M.P.Senthil

For R-1 to R-3 : Mr.R.Ragavendran,
Government Advocate.

For R-4 : Mr.G.Mathavan

For R-5 : Mr.S.I.Muthaiah

COMMON ORDER

The issue raised in both the Writ Petitions are one and the same. Hence, a common order is passed.

2. The Writ Petition in W.P.(MD)No.16699 of 2023 is filed for Mandamus, directing the first respondent to consider the petitioner's representation dated 26.06.2023 and to act in accordance with law.



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3. The Writ Petition in W.P.(MD)No.17297 of 2023 is filed to quash the order dated 16.09.2022 and consequently direct the 2nd respondent to conduct an enquiry on the complaint against 5th respondent and to appoint any other eligible person as poosari in the Mavayal Kattu Ayyanar Temple, Keelathaniyam Village, Ponnamaravathi Taluk, Pudukottai District by considering the petitioner's representation dated 08.07.2023.

4. The petitioner Durai Raj is a devotee of the temple Sri Mavayal Kattu Iyanar Thirukovil and also a resident of Keelathaniyam Village, Pudukottai. The petitioner Karuppaiah is a resident of the said village and has rights to perform as poosari. The contention of the petitioners are that the second respondent / K.Chinnudurai was appointed as Poosari. However, the second respondent / K.Chinnudurai has sold some of the temple properties and hence the petitioners submitted that he should not continue as Poosari and to this effect submitted representations to Hindu Religious and Charitable Endowments Department for appointing some other eligible person as Poosari in the place of the said K.Chinnudurai. Based on the complaint, the said K.Chinnudurai was suspended from service and the issue is pending before the Joint Commissioner of HR and CE Department. Likewise one Adaikalam was



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appointed as poosari temporarily, but the petitioner Karuppaiah submitted that the said Adaikalam also had committed some misdeeds and hence the said Adaikalam also should not be appointed as poosari.

5. In the meanwhile, the devotees are intended to celebrate the Aadi function. Now, the issue arises with regard to ritual of “Kaappukattu”. Hence a Peace Committee Meeting was convened and in the said meeting consensus was arrived at among the parties.

6. Therefore, this Court is passing the following directions:

(i) The petitioner namely, K.Karuppaiah son of Kulanthai shall perform the ritual of Kaapukattu. All other claimants and the devotees shall celebrate the Aadi function under the Karuppaiah’s Kaapukattu.

(ii) For the smooth functioning of the festival, the said Karuppaiah is also directed to function as poosari. However, the right of poosariship is given only for temporary period. He cannot claim any rights for poosariship after the festival is over. Therefore, the said Karuppaiah is directed to perform his poosariship subject to the aforesaid condition.



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(iii) *The said Karuppaiah shall not dedicate his Kappukattu to anybody until the function is completed. Also, he shall not decline to carry out the Kappukattu.*

(iv) *As far as the issue of appointment of poosariship, the EO shall approach the Joint Commissioner of Hindu Religious and Charitable Endowments Department for getting appropriate orders and he shall consider and pass orders within a period of two (2) months from the date of receipt of a copy of this order.*

7. With the above direction, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.07.2023

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

Note: Issue Order Copy on 19.07.2023.



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To

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S.SRIMATHY, J.

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