



W.P.(MD) No.9327 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.9327 of 2024

&

W.M.P.(MD).No.8504 of 2024

1.K.Rajangam

2.M.Velthurai

3.S.Mahendran

4.T.Natarajan

5.K.Govindan

6.M.Ramachandran

... Petitioners

Vs.

1.The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Sivagangai, Sivagangai District

2.The Manager
Sivagangai Devasthanam
Sivagangai District

3.The Superintendent
Sivagangai Devasthanam
Manamadurai
Sivagangai District

... Respondents



W.P.(MD) No.9327 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to receive the necessary fee from the petitioners and allow them to host the 5th day Mandagapadi of Chithirai Thiruvizha of the Arulmigu Veera Azhagar Thirukovil, Manamadurai Taluk, Sivagangai District for the year 2024 as per the judgment dated 20.04.2005 passed by the Ld. District Munsif cum Judicial Magistrate Manamadurai in O.S.No. 114/2004 and based on the representation dated 30.03.2024 submitted by the petitioners within a reasonable time.

For Petitioner : Mr.K.C.Ramaligam

For Respondents : Mr.P.Subburaj, SGP for R1

Mr.S.Madhavan,
Standing counsel for R2 and 3.

ORDER

Writ Petition is filed for issuance of a Writ of Mandamus directing the 2nd and 3rd respondents to receive the necessary fee from the petitioners and allow them to host the 5th day Mandagapadi of Chithirai Thiruvizha of the Arulmigu Veera Azhagar Thirukovil, Manamadurai Taluk, Sivagangai District for the year 2024 as per the judgment dated 20.04.2005 passed by the Ld. District Munsif cum Judicial Magistrate



W.P.(MD) No.9327 of 2024

Manamadurai in O.S.No. 114/2004 and based on the representation dated

30.03.2024 submitted by the petitioners within a reasonable time.

2. This is the second round of litigation before this Court earlier also some of the petitioners had approached this Court in W.P.(MD)No. 11279 of 2023 for the following relief:

“ Writ Petition filed under Article 226 of the Constitution of India praying this court to issue a Writ of Mandamus directing the 5th respondent to allow the petitioners to conduct 5th day Mandagapadi as celebrated as per the tradition for the Chithirai Festival of Arulmigu Sri Veera Alagar for the year 2023 as per the Judgement passed by the District Munsif cum Judicial Magistrate Manamadurai in O.S.No. 114/2004 dated 20.04.2005. ”

3. The relief in this Writ Petition is also similar for the ensuing festival on 23.04.2024. Earlier the Writ Petition was dismissed with the following observation:

“ 6. The petitioners claim that as per the tradition and customs, the petitioners' villagers are conducting the Fifth day Mandagapadi of Arulmigu Sri Veera Alagar, however, there was a dispute with regard



WEB COPY



W.P.(MD) No.9327 of 2024

to mentioning the names in the pamphlets. Thereby, the second respondent conducted the peace committee meeting in which they arrived at a conclusion to hand over the right to the fifth respondent Devasthanam. Since the temple belong to the fifth respondent Devasthanam and a decision of the peace committee meeting was taken on 23.04.2023, unless the petitioners challenge the said decision, the present writ petition is not maintainable. Furthermore, the said festival is scheduled to be conducted tomorrow and the petitioner chosen to file the present writ petition today, which is not sustainable.

7. Accordingly, this writ petition is dismissed. However, the fifth respondent is directed to conduct the Fifth day Mandagapadi Festival of Arulmigu Sri Veera Alagar by allowing the petitioners- villagers and other village persons. It is needless to say that the law enforcing agency shall take appropriate action against the persons who create law and order problem during the festival. No costs. Consequently, connected miscellaneous petitions are closed. ”

4. It appears that the rivals from the other village have also filed a suit before the District Munsif cum Judicial Magistrate, Manamadurai in O.S.No. 114/2024 for declaring that they were entitled to conduct the festival. The suit was dismissed by the Court by the following



W.P.(MD) No.9327 of 2024

observation:

WEB COPY

“12. கூடுதல் எழுவினா 1:- பிரதிவாதிகள் அவர்களது வழக்குரையில் தாவா வழக்கை விசாரிப்பதற்கு மரியாதையை வழக்கு ஆகையால் இந்து அறநிலைத்துறை சட்டப்பிரிவு 63 (சி)-ன் கீழ் இந்து அறநிலையத்துறை துணை ஆணையர் நீதிமன்றத்தில் மனு செய்து பரிகாரம் கேட்க முடியும். இந்நீதிமன்றத்தில் வாதிகள் தாக்கல் செய்துள்ள இந்த பிராரதை விசாரிப்பதற்கு உரிமையியல் நீதிமன்றத்திற்கு போதிய அதிகாரம் இல்லை என்று குறிப்பிட்டுள்ளனர். அதைப் பொறுத்து இந்த கூடுதல் எழுவினா வனையப்பட்டது. வாதிகள் அவர்களது பரிகாரத்தில் 5ம் திருநாள் மண்டகப்படியின் போது நாடகம் நடத்திட உரிமை தங்களுக்கு வேண்டுமென்று கேட்டுள்ளனர். சாமி கும்பிட மற்றும் விழாவின் போது நாடகம் நடத்திட உரிமை சிவில் உரிமை ஆகும். மேற்படி உரிமைகளை தீர்மானிக்க உரிமையியல் நடைமுறைச்சட்டம் பிரிவு 9-ன் கீழ் சிவில் நீதிமன்றத்திற்கு போதிய அதிகாரம் உள்ளது. மண்டகப்படி திருவிழாவின் போது தங்களுக்கு மரியாதை தரவேண்டுமென்று அவர்கள் கேட்ட பரிகாரத்தில் கோரவில்லை. நாடகம் நடத்திட உரிமையைப்பற்றிய மட்டுமே தீர்மானிக்க வேண்டுமென்று



W.P.(MD) No.9327 of 2024

கேட்டுள்ளனர். எனவே இந்த வழக்கை

WEB COPY

விசாரிக்க இந்நீதிமன்றம் போதிய ஆள்வரை உள்ளது

என்று தீர்மானிக்கப்படுகிறது.

13. எழுவினா 4 : வாதிகள் அவர்கள் தர்ப்பு வழக்கை நிரூபிக்காத காரணத்தினால் வாதிகள் கோரியபடி பிரதிவாதிகளுக்கு எதிராக செயலுறுத்துக் கட்டளை பரிகாரம் பெறத்தக்கவர்கள் அல்ல என்று இந்நீதிமன்றம் தீர்மானிக்கிறது. எனவே வாதிகளின் வழக்கு தள்ளுபடி செய்யப்படுகிறது. வழக்கின் தன்மையைப் பொறுத்து பிரதிவாதிகளுக்குண்டான செலவுத் தொகையை வாதிகள் கொடுக்க வேண்டுமென்று உத்திரவிடப்படுகிறது.□

5. It appears that petitioners have also filed O.A.No.47 of 2024 on 28.03.2024 i.e., just a month before the ensuing festival for the temple. This application has been filed under Sec.63(e) of the HR&CE Act,1959. The office of the Joint Commissioner also numbered the same on 12.04.2024 and fixed the hearing on 06.06.2024. The facts reveal that on 23.04.2023 a peace committee meeting was conducted by the Tahsildar and it was decided that in absence of the consensus between the rivals the 5th day Mandagapadi festival in the subject temple will be held by the 2nd and 3rd respondent. Although the decisions of the peace committee are not binding they are intended to bring peace in the festival. The petitioners have approached this Court at the 11th hour. The petitioners have



W.P.(MD) No.9327 of 2024

approached the 1st respondent almost at the 11th hour just about 30 days before the festival.

6. Considering the same, the prayer of the petitioner cannot be accepted as it would lead to chaos in the temple festival. Considering the same, the 2nd and 3rd respondent is directed to proceed with the 5th day Mandagapadi festival as was done pursuant to the peace committee meeting held on 23.04.2023 for this year as well. As far as the rights of the petitioner for the 5th day Mandagapadi festival in the ensuing festival during 2025 is concerned, same will be subject to the decision to be arrived by the 1st respondent in O.A.No.47 of 2024. It is expected that Original Application will be disposed of on merits and in accordance with law within a period of six months. Needless to state the representative of the rival group also shall be heard before appropriate orders are passed. The 2nd and 3rd respondents also may be heard before further orders are passed by the 1st respondent.

Writ Petition stands dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.



W.P.(MD) No.9327 of 2024

16.04.2024.

WEB COPY

Index: Yes/ No

Neutral Citation: Yes / No

kpr

C.SARAVANAN, J.

kpr

To

1.The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Sivagangai, Sivagangai District

2.The Manager
Sivagangai Devasthanam
Sivagangai District

3.The Superintendent
Sivagangai Devasthanam
Manamadurai
Sivagangai District

W.P.(MD)No.9327 of 2024



WEB COPY



W.P.(MD) No.9327 of 2024

16.04.2024