

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24976 of 2014 &
M.P.No.1 of 2014

T.A.Sethupathi Ramalingam
S/o.T.A.Appusamy Naidu
Trustee & Administrator
Arulmigu Periya Om Kalliamman Thirukovil,
No.67/22 Theradi Street,
Thiruchengodu-637 211
Namakkal District.

.... Petitioner

Vs.

1. The Commissioner,
Hindu Religious Charitable and Endowments Dept.
Government of Tamil Nadu
Uthamar Gandhi Salai (Formerly Nungambakkam High Road)
Chennai-6000 034.
2. The Joint Commissioner,
Hindu Religious Charitable and Endowments Dept.
Government of Tamil Nadu,
Salem-1,
3. The Assistant Commissioner/Executor Officer,
Arulmigu Arthanareeswarar Thirukkivil
Thiruchengodu Town,
Namakkal District.

... Respondents

PRYER : The Writ Petition is filed under Article 227 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the order passed by the second respondent herien REf.Na.Ka.No.5509/2014/A3 dated 05.06.2014 and quash the same and direct the respondent to recognize the petitioner as the trustee of Arulmigu Periya Om Kalliamman Thirukkivil, Tiruchengode and entitled to perform every year the 6th day Kattalai during the Vaikasi Visaka Festival of Arulmigu Arthanareeswara Swamy Temple, Thiruchengode, Ther Festival at his own personal costs and expenses without collecting any donations from the public.

For Petitioner
For Respondent

: Mr.T.Velumani
: Mr.S.Kandasamy(Spl G.P)

ORDER

2. The petitioner seeks a Writ of Certiorarified Mandamus to quash the order dated 05.06.2014 passed by the second respondent and to direct the second respondent to recognize the petitioner as the trustee of Arulmigu Periya Om Kaliyamman Thirukkivil, Tiruchengode and entitled to perform every year the 6th day Kattalai during the Vaikasi Visaka Festival of Arulmigu Arthanareeswara Swamy Temple, Tiruchengode, Ther Festival, out of his own personal costs.

3. Admittedly, the festival for the year 2014 was already over and therefore, the substantial portion of the relief sought for in above writ petition has become infructuous and therefore, there is no necessity to examine the correctness of the impugned proceedings at this juncture. Admittedly, the festival for the year 2015 will come during the month of June, 2015. Therefore, if the petitioner seeks for any exclusive right to conduct the 6th day Kattalai of the said Temple during Festival season, the petitioner is directed to submit a petition before the second respondent setting out all the facts in support of his claim. If such petition is submitted to the second respondent, the second respondent shall issue notice to all Trustees and third respondent and also issue a public notice regarding the claim of the petitioner, since in the previous year, a third party has made an application to permit them to conduct the 6th day Kattalai as a public function and they also filed a writ petition before this Court in W.P.No.8532 of 2014. Therefore, notice to the petitioner therein (W.P.No.8532 of 2014) also should be given and after issuing notice to all the parties, the parties shall file their representation oral as well as written before the second respondent and the second respondent shall conduct enquiry and pass appropriate orders well before May, 2015. The petitioner herein is directed to submit his representation both within a period of three weeks from the date of receipt of a copy of this order.

4. With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TO

1. The Commissioner,
Hindu Religious Charitable and Endowments Dept.
Government of Tamil Nadu
Uthamar Gandhi Salai (Formerly Nungambakkam High Road)
Chennai-6000 034.

2. The Joint Commissioner,
Hindu Religious Charitable and Endowments Dept.
Government of Tamil Nadu,
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Thiruchengodu Town,
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KGK(CO)
EU 06.03.2015



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