



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.10.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.19764 of 2015

C.Panchavarnam

... Petitioner

Vs.

1.The District Collector,
O/o.the District Collector,
Madurai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments(HR & CE),
Jawans Manson, Keelamasi Veethi,
Madurai.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to permit and facilitate performing of pooja at the Kaliyamman Kovil temple, Sempukudipatti Village, Vadipatti Taluk, Madurai District by taking into account the petitioner's representation, dated 16.10.2015, within a reasonable period of time.

For petitioner : Mr/s.A.Rajini

For Respondents : Mr.V.Muruganandham

Additional Government Pleader takes notice

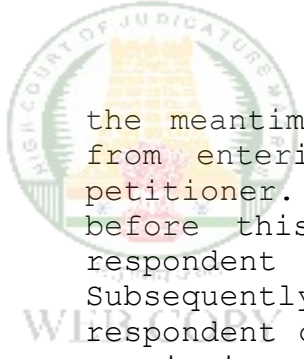
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to permit and facilitate the performing of pooja at Kaliyamman Kovil temple, Sempukudipatti Village, Vadipatti Taluk, Madurai District by taking into account the petitioner's representation, dated 16.10.2015, within a stipulated time.

2. Mr.V.Muruganandham, learned Additional Government Pleader takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the petitioner belongs to Schedule Caste community and the petitioner is the leader of self help women group in Sembukudipatti Village. The Women of Sembukudipatti village had organized Kaliyamman kovil festival at their village colony and one Rajangam was the regular poojari and used to conduct and organize all the festival related activities. But the second respondent had issued "poosari ID Card" without the consent of the villagers and this has created hurdles in the regular process of conducting poojas. In



the meantime, some miscreants prevented the petitioner and other women from entering into the temple and used filthy language against the petitioner. Hence, the petitioner had filed W.P(MD)No.12182 of 2015 before this Court and in which, this Court had directed the first respondent to consider the representation of the petitioner. Subsequently, upon the direction of the first respondent, the second respondent came to the village and conducted an enquiry and cancelled the permission given to one Subbaiah as a poojari and subsequently, directed the petitioner to approach this Court once again for getting appropriate orders. While the matter stood thus, the petitioner has made representation to the respondents on 16.10.2015. Since the same was not considered so far, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. The learned Additional Government Pleader submitted that the Assistant Commissioner, Hindu Religious and Charitable Endowments (HR & CE) Madurai, is the competent authority to consider the representation of the petitioner.

6. Considering the submissions made by the learned counsel appearing for the petitioner, even though the Assistant Commissioner, HR & CE, Madurai, is not a party to the Writ Petition, considering the fact the Assistant Commissioner is the competent authority to decide the issue in question, without going into merits of the claim made by the petitioner, this Court directs the Assistant Commissioner, HR & CE, Madurai to consider the representation of the petitioner, dated 16.10.2015 and appropriate orders, on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the authority to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

pm

To

1.The District Collector, O/o.the District Collector,
Madurai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments(HR & CE),
Jawans Manson, Keelamasi Veethi, Madurai.

+1CC to Mr.A.Rajini Advocate Sr.No.63846

+1CC to Spl.Government Pleader Sr.No.64163

GJM/AAL/MPA/2.12.2015-2P-5C