



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2015

CORAM:

THE HONOURABLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No. 20521 of 2015

and

M.P. (MD) No. 1 of 2015

V. Thangalingam

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowment,
Nungambakkam, Chennai 600 034.

2. The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Nagercoil - 2.

3. The Executive Officer,
A/M. Easwari Bathirakaliamman Temple,
Easanthangu, Muttam,
Kanyakumari District.

4. The District Collector,
Kanyakumari District.

5. The Superintendent of Police,
Kanyakumari District at Nagercoil.

6. The Revenue Divisional Officer /
Sub Divisional Magistrate,
Nagercoil.

7. P. Paul Nadar

8. S. Balachandran

9. R. Arumaithangam

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 6 from allowing respondents 7 to 9 private individuals from acting or functioning as President, Secretary and Treasurer for Alayamunnetra Arakkattalai for the Temple A/M Easwari Bathirakaliamman Temple, Easan Thangu for collecting public funds in the name of temple and consequently, direct the respondents 1 and 2 to conduct "Thirukarthigai Deepam" festival on 24.11.2015 and 25.11.2015 in A/M. Easwari Bathirakaliamman Temple, Easan Thangu Village, permitting participation of the petitioner, his family members with all four branches of the families for worshipping and



celebrating the Panguni festival in the temple and to initiate statutory action on the representation of the petitioner dated 26.10.2015 within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel for
Mr.M.Saravanakumar
For Respondents : Mr.V.Muruganandham, AGP for R1, 2, 4, 5
and 6
Mr.K.Sathiya Singh for R3
Mr.R.Ramanlal for R7 to 9

ORDER

Mr.V.Muruganandham, learned Additional Government Pleader takes notice for the respondents 1, 2, 4, 5 and 6, Mr.K.Sathiya Singh, learned counsel takes notice for the 3rd respondent and Mr.R.Ramanlal, learned counsel takes notice for the respondents 7 to 9. By consent, the Writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner seeks for a Mandamus, forbearing the respondents 1 to 6 from permitting the respondents 7 to 9 by acting or functioning as President, Secretary and Treasurer for Alayamunnetra Arakkattalai of the Arlmighu Easwari Bathirakaliamman Temple, Easan Thangu, in collecting public funds in the name of temple and consequently, direct the respondents 1 and 2 to conduct "Thirukarthigai Deepam" festival on 24.11.2015 and 25.11.2015 in Arilmighu Easwari Bathirakaliamman Temple, Easan Thangu Village, for granting permission to the petitioner and his family members with all four branches of the families for worshipping and celebrating the Panguni festival in the said temple and also to initiate statutory action on the representation of the petitioner dated 26.10.2015 within a time frame.

3.The grievance of the petitioner is that the Thirukarthigai Deepam festival at Arilmighu Easwari Bathirakaliamman Temple, Easan Thangu Village, Kanyakumari District, which is a public temple, is going to be conducted by the private parties namely, the respondents 7 to 9. The further contention of the petitioner is that this Court has already directed the official respondents to conduct the temple festival when the petitioner has approached this Court earlier and filed a Writ petition in W.P.(MD)No.3326 of 2015. Therefore, it is contended that apart from permitting the petitioner and his family members to participate in the Thirukarthigai Deepam festival, the respondents 7 to 9 should be prevented from conducting such festival.

4.Heard Mr.Ajmal Khan, learned Senior Counsel appearing for the petitioner and other learned counsels appearing for the respective respondents.

5.It is seen that earlier the very same Writ petitioner has approached this Court and filed a Writ petition in W.P.(MD)No.3326 of 2015 seeking for a mandamus, forbearing the respondents 1 to 8 therein in any way allowing the respondents 10 to 12 therein in any manner acting or functioning as President, Secretary and Treasurer for Alayamunnetra Arakkattalai of the Arlmighu Easwari Bathirakaliamman Temple, Easan Thangu and consequently, direct the respondents 1 and 2 therein to conduct the



Panguni festival commencing from 16.03.2015 to 18.03.2015 in Arilmighu Easwari Bathirakaliamman Temple, Easan Thangu Village, permitting the petitioner and his family members and all four branches of the families for worshipping and celebrating the said festival.

6. In that Writ petition an order came to be passed after hearing all the parties on 10.03.2015, wherein paragraph No.4 reads as follows:

"4. In the light of the above, suffice to state that the petitioner has no locus standi to file the present Writ petition, especially, he has been set up by his own brother, P. Harikrishnan, as stated by the learned standing counsel for the third respondent. However, at the same time, it is to be stated that the temple festival should be conducted either by the Deputy Commissioner or the Executive Officer concerned and no third parties will be allowed to act or function as President, Secretary and Treasurer for Arulmighu Eswari Bathirakaliamman Temple, Easanthangu Village, Kanyakumari District, as it is a public temple. The petitioner is at liberty to participate in the temple festival with family members, give donation and extend his cooperation for the conduct of the festival in a peaceful manner."

7. Mr. Ajmal Khan, learned Senior Counsel appearing for the petitioner submitted that the very same order can be passed in this Writ petition also, so that the interest of the petitioner would be protected. The learned counsels appearing for the respondents are not having any objection for passing similar order in respect of the Thirukarthigai Deepam festival to be conducted on 24.11.2015 and 25.11.2015.

8. Accordingly, the following order is passed:

a) The Thirukarthigai Deepam festival should be conducted either by the Deputy Commissioner or the Executive Officer concerned and no third parties will be allowed to conduct such festival in the said temple as it is a public temple.

b) The petitioner is at liberty to participate in the Thirukarthigai Deepam festival with family members by extending his cooperation for conducting such festival in a peaceful manner.

9. With these directions, the Writ petition is disposed of. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

1. The Commissioner,
Hindu Religious & Charitable Endowment,
Nungambakkam, Chennai 600 034.

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Nagercoil - 2.



3.The Executive Officer,
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4.The District Collector,
Kanyakumari District.

5.The Superintendent of Police,
Kanyakumari District at Nagercoil.

6.The Revenue Divisional Officer /
Sub Divisional Magistrate,
Nagercoil.

+1cc to M/S.K.Sathiya Singh,Advocate in SR.No. 66320

+1cc to M/S. R.Ramanlaal, Advocate in SR.No.66150

+1cc to M/S. H.Thayumanaswamy, Advocate in SR.No 66147

TS/20.11.2015/4P-10C/AAL-MPA/SAR II

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