



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

W.P. (MD) No. 3326 of 2015

and

M.P. Nos. 1 and 2 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.

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. The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.

8. The Sub Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.

9. Thiru Ayyappan,
The Executive Officer,
A/m. Easwari Bathirakaliamman Temple,
Easanthangu, Muttam,
Kanyakumari District.

10. P. Paul Nadar,

11. S. Balachandran

12. B. Arumugam

: Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus forbearing the respondents 1 to 8 herein in any way allowing the respondents 10 to 12 herein from, in any manner, acting or functioning as President, Secretary and Treasurer for Alayamunnetra Arakkattalai of the temple of A/m.Easwari Bathirakaliyamman Temple, Easanthangu and consequently direct the respondents 1 and 2 herein to conduct the Panguni Festival commencing from 16.03.2015 to 18.03.2015 in A/m.Easwari Bathirakaliyamman Temple, Easanthangu Village, permitting participation of the petitioner, his family members with all four branches of the families for worshipping and celebrating the festival in the temple and to initiate statutory action on the representation of the petitioner dated 06.12.2014.

For Petitioner : Mr.Veerakathiravan for
Mr.M.Saravanakumar

For Respondents 1, 2 and 4 to 8: Mr.R.Karthikeyan
Additional Government Pleader

For Respondent No.3 : Mr.K.Sathiya Singh
Standing Counsel

O R D E R

The only apprehension of the petitioner is that the third respondent temple, being a public temple, festival should be conducted only by the Deputy Commissioner or the Executive Officer concerned and no third parties, more particularly, the respondents 10 to 12 herein, will be allowed to act or function as President, Secretary and Treasurer for Alayamunnetra Arakkattalai of the temple of Arulmighu Easwari Bathirakaliyamman Temple, Easanthangu Village, Kanyakumari District.

2. The learned Standing Counsel appearing for the third respondent, on instructions, brought to the notice of this Court that the petitioner is the brother of one P.Harikrishnan, who filed O.A.No.61 of 1963, which was dismissed on 23.12.1966, which was challenged by filing A.P.No.47 of 1967 and the same was dismissed on 10.05.1970. Thereafter he filed W.P.[MD].No.1273 of 2008, which was dismissed by this Court, on 22.09.2008. Questioning the validity of the said order, W.A.[MD].No.614 of 2008, came to be filed, which was dismissed on 27.03.2012. Challenging the same, S.L.P.No.14755 of 2012 was filed and the same was also dismissed on 06.08.2013. Subsequently, the petitioner filed an application seeking to conduct the festival by a particular community and the same was also rejected by the authority concerned. Now, he has come forward with the present Writ Petition for the relief stated earlier.

3. Apart from the above, the learned Standing Counsel would further contend that the villagers in Easanthangu Village are co-operating to celebrate the temple festival by way of collecting donation and the temple festival is being conducted only by the authorities concerned with assistance from the villagers. Further, as per the Original Application proceedings, which culminated in Special Leave Petition, it is only a public temple.



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 Easwari 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 co-operation for the conduct of the festival in a peaceful manner.

5. The Writ Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Commissioner,
Hindu Religious & Charitable Endowment,
Nungambakkam, Chennai 600 034.
- 2.The Assistant Commissioner,
Hindu Religious & Charitable Endowment, Nagercoil - 2.
- 3.The District Collector, Kanyakumari District.
- 4.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 5.The Revenue Divisional Officer/Sub-Divisional Magistrate,
Nagercoil.
- 6.The Inspector of Police,
Vellichanthai Police Station, Kanyakumari District.
- 7.The Sub Inspector of Police,
Vellichanthai Police Station, Kanyakumari District.
8. The Executive Officer,
A/m.Easwari Bathirakaliamman Temple,
Easanthangu, Muttam,
Kanyakumari District.

+1cc to Special Govt.Pleader,SR.No.11804

+1cc to Mr.N.Mohamed Ayyadurai,Advocate SR.No.11492

+1cc to Mr.K.Sathiya Singh, Advocate SR.No.11435

ORDER MADE IN

W.P. (MD) No.3326 of 2015

DATED - 10.03.2015

NB

PA/13.03.2015/3P/12C (IT)