

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12116 of 2016

K.Kaliyannan

... Petitioner

vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Dr.Balasundaram Road,
Coimbatore.

2.The Executive officer,
Kalamangalam Arulmighu Nageswarar
Kulavilakku Amman,
Kalamangalam,
Erode Taluk and District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and pass orders on merits by disposing the written representation made by the petitioner on 24.03.2015 within a stipulated time fixed by this Court.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.Rita Chandrasekar,
SGP (HR&CE)

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pass orders on merits by considering the written representation dated 24.03.2015 made by the petitioner within a stipulated time fixed by this Court.

2. It is the case of the petitioner that he belongs to Vettuva Gounder community. The people of the said community are worshipping the God 'Kulavilakku Amman' for several decades and are conducting Car and Pongal festival in the temple called Arulmighu Kulavilakku Amman at Uppiliyapalayam, Tiruchengode Taluk, Namakkal District, during the Tamil month of Panguni of every year. In the year 2011, the respondents have conducted Kumbabhishekam of the said temple and the people of the petitioner's community offered huge amount by way of donations.

3. It is the further case of the petitioner that from the ancient period, it is the right and custom of his community people to stand before the deity and sing Muppaattu songs as first preference. But, for the past two years, the second respondent has not allowed them to do so, but he supported and allowed one particular community viz., Kannankulam Kongu Vellar community people to do so, by giving them first preference, due to which, there was a law and order problem in the said locality. Hence, the Tahisldar convened a peace committee meeting and compelled the petitioner's community people to sign in the compromise memo. Even thereafter, the second respondent has continued to treat the people belonging to the petitioner's community as secondary people by not allowing them to sing the song before the deity as first preference and has not given equal importance to all the community people. In this connection, the petitioner made a representation dated 24.03.2015 before the respondents, but, till date, no order has been passed. Since the panguni festival of the temple in question is going to be conducted during the first week of April, 2016, the petitioner has no other option except to approach this court with the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader (HR&CE), who took notice for the respondents.

5. Considering the limited nature of the relief sought for herein, this Court directs the respondents to consider the representation of the petitioner dated 24.03.2015, by affording an opportunity of personal hearing to the petitioner as well as to all other necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of one week from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Dr.Balasundaram Road,
Coimbatore.

2.The Executive officer,
Kalamangalam Arulmighu Nageswarar
Kulavilakku Amman,
Kalamangalam, Erode Taluk and District.

+1 cc to Mr.C.Prakasam Advocate sr.20339

+1 cc to Government Pleader sr.20355

W.P.No.12116 of 2016

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