



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.16543 of 2016

K.Durairaj

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
52/A1, Thiruvananthapuram Road,
Tirunelveli-2.

2.The Executive Officer,
Arulmighu Santhimarithamman Thirukovil,
Thatchanallur,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to direct the respondents to permit the petitioner to conduct the Dhassara festival from 3rd October 2016 to 13th October 2016 without any interference of the respondents at Arulmighu Santhimarithamman Temple at Thatchanallur Village, Chathiramputhukulam Taluk, Tirunelveli District by the petitioner's own community people vide petitioner's representation, dated 16.08.2016.

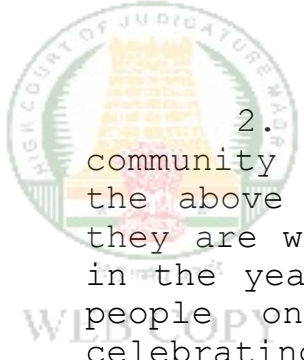
For Petitioner : Mr.D.Saravanan

For R-1 : Mr.V.Muruganandham,
Additional Government Pleader

For R-2 : Mr.C.Mayilvagana Rajendran

ORDER

The present Writ Petition has been filed by the petitioner seeking a direction to the respondents to permit the petitioner to conduct Dhassara festival from 3rd October 2016 to 13th October 2016 at Arulmighu Santhimarithamman Temple at Thatchanallur Village, Chathiramputhukulam Taluk, Tirunelveli District.



2. According to the petitioner, he is a member of Yadhava community and devotee of Arulmighu Santhimarithamman Temple and the above said temple was constructed by their forefathers and they are worshipping in the temple from 20th century onwards, only in the year 1928, a stone deity was put up and yadhava community people only developed the said temple and they are only celebrating the festivals of the said temple. Earlier, their community people filed a suit in O.S.No.34 of 1992 and the same was decreed. Against which an appeal has been preferred by the Government in A.S.No.199 of 2002 and the same was allowed. Against the judgment and decree passed in A.S.No.199 of 2002, now the community people filed S.A.No.1859 of 2003, which is pending before this Court. Now, Dhassara festival is going to be commenced from 3rd October 2016 and it is a proved fact that every year the respondents instructed the petitioner community people to conduct Dhassara Festival, this year also they should be permitted to conduct the said festival, in the above circumstances, the petitioner has filed this Writ Petition seeking a direction to the respondents to permit the petitioner to conduct Dhassara festival.

3. The second respondent filed a counter affidavit stating that this temple is under the control of HR & CE Department and a Executive Officer is also appointed to administer the said temple since it is a public temple. Earlier Yadava Community people filed a suit for declaration, declaring that the second respondent temple is their community temple, and the said suit was decreed. Against which, the Department filed an appeal and the same was allowed by the Appellate Court. Against which, a second appeal is pending before this Court and no interim order was passed in the said second appeal. It is further stated that the petitioner is no way connected with the said temple and he used to give trouble to the temple, hence, an F.I.R was registered in Crime No.509 of 2008 on 17.08.2008 against him and further, it is stated that the second respondent alone is the competent authority to conduct Dhassara festival and all other festivals and no individual is permitted to conduct the temple festival.

4. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

5. The learned counsel for the petitioner submitted that even in the previous year, the petitioner's community people were invited to conduct the festival on 8th day of Dhassara festival and also referred to a communication of the Executive Officer, dated 11.09.2014.

6. Perusal of the communication of the second respondent, dated 11.09.2014, shows that the petitioner's community people were invited only for celebration of the festival and they were



not invited to conduct the festival.

7. Since the dispute regarding the status of the temple is pending before this Court and the petitioner is also not established with any material that their community people have right to conduct Dhassara Festival in the second respondent temple. If at all the petitioner community people is having any grievance with regard to their right to celebrate the festival, it is open to them to move an application in the second appeal pending before this Court and get appropriate order and the petitioner cannot maintain this Writ Petition.

8. In the result, this Writ Petition is dismissed. No Costs.

Sd/-
Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
52/A1, Thiruvananthapuram Road,
Tirunelveli-2.

2.The Executive Officer,
Arulmighu Santhimarithamman Thirukovil,
Thatchanallur, Tirunelveli District.

+1 CC to Mr.D.SARAVANAN, Advocate, SR No.56014

+1 CC to Mr.C.MAYILVAHANA RAJENDRAN, Advocate, SR No.56279

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.56119

W.P (MD) No.16543 of 2016
26.09.2016

pm
SH/SS-3:25.10.2016:3P/6C