



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN
W.P.(MD)Nos.2905 of 2016

K.P.S.A. Annamalai Rajan
Secretary,
Keelaeral Kamatchiamman Temple,
Kathava Nadar Vagaiyarkal Trust,
at 777/26, Thiruvatriyur High Road,
Chennai -81.

... Petitioner

Vs.

1. Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Tuticorin,
Tuticorin District.

2. Fit Person,
Arulmighu Kamatchiamman Temple,
Keelaeral,
Ettayapuram Taluk,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to permit the petitioners trust to perform "Maheshwarar Guru Puja" in the forthcoming March 2016, Masi Maha Shivaratri festival in Keelaeral Kamatchiamman Temple, Tuticorin District and to pass such other orders as deemed fit and proper in the circumstances of the case.

For Petitioner : M/s.G.Prabahari

For R-1 : Mr.M.Muthu Geethaiyan
Standing Counsel for H.R. & C.E.

ORDER

The prayer in the writ petition is for a Mandamus to direct the respondents herein to permit the petitioners trust to perform "Maheshwarar Guru Puja" in the forthcoming March 2016, Masi Maha Shivaratri festival in Keelaeral Kamatchiamman Temple, Tuticorin District and to pass such other orders as deemed fit and proper in the circumstances of the case.



2. Mr. M. Muthu Geethaiyan, learned Standing Counsel takes notice for the Hindu Religious and Charitable Endowment Board.

WEB COPY 3. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner's main contention is that the petitioner trust may be permitted to perform "Maheshvarar Guru Puja" in the forthcoming March 2016, Masi Maha Shivaratri festival in Keelaeral Kamatchiamman Temple, Tuticorin District. After some elaborate discussions, the learned counsel for the petitioner brought to the notice of this Court the earlier order passed by this court in W.P.(MD)No.1290 of 2014 dated 18.02.2014, in which, it is observed as follows:-

" When the matter is taken up today, the learned counsel appearing for the third respondent pointed out that the earlier order was passed pending appeal before the Joint Commissioner, the second respondent herein. The Joint Commissioner has dismissed the appeal filed by the petitioner. Against which, the petitioner has now preferred a further appeal before the Commissioner. In fact, orders has been reserved on 13.12.2013. During the interregnum, as per the original order, Fit Person appointed has already taken charge and they are in the management. Therefore, now the petitioner cannot file any application seeking to conduct festival without hindrance to the H.R.&C.E., officials.

Taking into consideration that when already a Fit Person is appointed by the HR&CE., the prayer itself as such is not maintainable. Therefore, the Writ Petition is dismissed. However, it is always open to the petitioner to participate along with others the HR&CE., officials to conduct festival."



5. Now, the learned Standing Counsel for the Hindu Religious and Charitable Endowments Board fairly submitted that in the fifth day of the function, "Kathavarayan Vagaira" are conducting "Annadhanam" and they have no objection for the petitioner also, to join with them and conduct the same. According to him, the petitioner may also be permitted to clean the premises, after the Pooja is over. Since the proper fit person was appointed by the Assistant Commissioner of HR & CE, the petitioner shall fully co-operate with the said festival.

6. Further, in view of the earlier order passed by this court in M.P.(MD).No.2 of 2014 in W.P.(MD).No.13749 of 2014, dated 20.08.2014, the petitioner can only take part in conducting "Annadhanam" and cleaning the premises, for which the first respondent has also no objection.

7. Recording the above statement of the learned Standing Counsel for the Hindu Religious and Charitable Endowments Board, the Writ Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1. Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Tuticorin,
Tuticorin District.

2. Fit Person,
Arulmighu Kamatchiamman Temple,
Keelaeral,
Ettayapuram Taluk,
Tuticorin District.

+1CC to M/S.G.PRABHAHARI, Advocate, SR.No. 83801
+1CC to MR.M.MUHTUGEETHAYAN, Advocate, SR.No. 8229

W.P. (MD) No.2905 of 2016
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