

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.10610 of 2017 and
W.M.P.No.11545 of 2017

V.S.Murukesan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dr.Balasundaram Road,
Coimbatore - 18.

3.Udumalai Nadar Uravinmuraiyar Sangam,
rep by its President R.Vivekanandhan,
Reg.No.17/84, Door No.81,
Sadhasivam Pillai Veedhi,
Udumalaipettai,
Tiruppur District - 642 126.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the 3rd respondent from preventing the petitioner the President of the Temple committee from participating the oncoming Chithirai festival from 02.05.2017 to 17.05.2017 in Arulmighu Badrakaliyamman Thirukovil, Sangili Nadar Street, Udumalaipet (City and Taluk), Tiruppur District.

For Petitioner : Ms.S.Kala

For Respondents : Mr.M.Maharaja, Special Government Pleader
(R1 & R2)

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus forbearing the 3rd respondent from preventing the petitioner, the President of the Temple Committee from participating the oncoming Chithirai festival from 02.05.2017 to

17.05.2017 in Arulmighu Badrakaliyamman Thirukovil, Sangili Nadar Street, Udumalaipet (City and Taluk), Tiruppur District.

2.Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents 1 & 2.

3.The relief sought for in the Writ Petition is as against the 3rd respondent, who is a private Sangam and therefore, I am of the considered view that the petitioner has filed the Writ Petition seeking for an injunction restraining the 3rd respondent from interfering with the functioning of the Temple Committee in the oncoming Chithirai Festival. Since the relief is sought for only as against the 3rd respondent, the petitioner can file a Civil Suit against the 3rd respondent seeking for injunction.

4.Since the relief sought for is as against a private party, the Writ Petition filed under Article 226 of the Constitution of India is not maintainable. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dr.Balasundaram Road,
Coimbatore - 18.

+1cc to the Government Pleader, S.R.No.25907

W.P.No.10610 of 2017 and
W.M.P.No.11545 of 2017

RSI (CO)
RS (08/05/2017)