

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P.No. 11546 of 2017

P. Rathnavelu

..Petitioner

Vs.

1. The Commissioner of HR & CE,
O/o. Commissioner of HR & CE,
Nungambakkam, Chennai.
2. The Joint Commissioner of HR & CE,
O/o. Joint Commissioner of HR & CE,
Salem -1.
3. The Executive Officer,
Arulmighu Pathrakaliamman Thirukoil,
Mecheri, Mettur Taluk,
Salem District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to permit the petitioner to conduct the periodical festivals including the Chiththirai Month Festival of the year 2017, in the capacity of Hereditary Trustee along with the officials of HR & CE Department in Arulmigu Sri Ayyanarappan Temple, Sri Sevvindi Amman Temple and Sri Veerappan Temple situated at Vembaneri Village in Edappady Taluk, Salem District based on his representation dated 12.04.2017.

For Petitioner :: Mr.R. Neelakandan

For Respondents :: Mr.M.Maharaja
Special Govt. Pleader
(HR & CE)

O R D E R

The petitioner has been declared as a Hereditary Trustee of Sri Arulmighu Ayyanarappan Temple, Sri Sevvindhi Amman Temple and Sri Veerappan Temple, situated at Vembaneri Village in Edappady Taluk, Salem District, by virtue of order dated 11.04.2007 passed by the 2nd respondent. The petitioner has been charged with mismanagement of the properties of the temple and

in this regard, proceedings are pending before the Joint Commissioner, HR & CE, Salem. In the meanwhile, "Chiththirai Festival" has to be conducted in the temple and for participating in the same, the petitioner has given a representation on 12.04.2017 to the 2nd respondent requesting permission to conduct periodical festivals in the capacity of a Hereditary Trustee. Since no orders have been passed on the said representation, the petitioner has come forward with the present writ petition.

2. Heard Mr.R. Neelakandan, learned counsel for the petitioner and Mr.M.Maharaja, learned Special Government Pleader (HR & CE), who takes notice on behalf of the respondents.

3. Since there are serious allegations against the petitioner and proceedings, in regard thereto, are pending before the Joint Commissioner (HR & CE), Salem, the petitioner cannot be allowed to participate in the Chiththirai Festival in the capacity of a Hereditary Trustee as the administration of the temple is already vested with Fit Person appointed by the Hindu Religious and Charitable Endowments Department. Further, the issue has to be decided only by the Joint Commissioner, HR & CE, Salem and therefore, without prejudice to the rights of parties, the petitioner is permitted to participate in the "Chiththirai Festival" as a devotee and not in the capacity of a Hereditary Trustee. The writ petition is disposed of with the above direction. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of HR & CE,
O/o. Commissioner of HR & CE,
Nungambakkam, Chennai.
2. The Joint Commissioner of HR & CE,
O/o. Joint Commissioner of HR & CE,
Salem -1.

3. The Executive Officer,
Arulmighu Pathrakaliamman Thirukoil,
Mecheri, Mettur Taluk,
Salem District.

+1 CC to Mr.R. Neelakandan, sr 36772
+1 CC to Govt. Pleader sr 36893

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