

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.01.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.1784 of 2017
and
WMP.No.1768 of 2017

C.K.Chinnasamy .. Petitioner

Versus

- 1.The Commissioner,
Hindu Religious & Charitable
Endowments,
Nungambakkam,
Chennai-600 034.
 - 2.The Executive Officer,
Arulmighu Subramaniaswamy Thirukoil,
Chennimalai,
Erode District.
 - 3.The Superintendent of Police,
Erode District,
Erode.
 - 4.The Inspector of Police,
Chennimalai Police Station,
Erode District.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus, directing the second respondent herein to receive the necessary charges from the petitioner and to permit the petitioner herein to perform the Mandapa Kattalai at No.52, South Raja Street, Chennimalai in Thaipoosam Festivals as like the earlier years, if he is not disentitled to the same in law without insisting the petitioner herein to obtain the orders from this Court.

For Petitioner : Mr.Karthikeyan Sekar
For Respondent : Mr.M.Maharaja
Nos.1 & 2 Spl. Government Pleader
For Respondent : Mr.A.Kumar
Nos.3 & 4 Spl. Government Pleader

O R D E R

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

2. The writ petition is filed by the petitioner seeking for a direction to the the second respondent to receive the necessary charges from him and to permit him to perform the Mandapa Kattalai at No.52, South Raja Street, Chennimalai in Thaipoosam Festivals as like the earlier years.

3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing on behalf of the respondents 1 to 4.

4. The gist and kernel of the case which leads to the filing of the present writ petition is as follows:

The ancestor of the petitioner had created a mutt namely, Pidariyur Three Village Nattu Gounder Mutt for the purpose of performance of Kattalai to the deity of Arulmighu Subramaniaswamy Thirukovil, Chennimalai during Thaipoosam and the same was dedicated to the family members of the petitioner for performing the said kattalai. Since 1941, they are in possession and enjoyment of the subject property and performing the Kattalai during Thaipoosam. The petitioner, after the death of his father, has continued to perform the same. As some third parties started claiming right over the subject mutt and property, the petitioner had filed a suit in O.S.No.105 of 2009 before the learned District Munsif at Perundurai seeking a decree of injunction against the persons claiming right in the subject property, in which, the decree of injunction has been granted in favour of the petitioner. As such, the petitioner has been performing the Kattalai till 2015 as per the order of this Court as well as the injunction order granted by the Civil Court. In spite of the same, during 2016, he was not permitted to perform Mandapa kattalai pooja and he has also filed W.P.No.279 of 2016, which has been withdrawn by him, as the matter has become infructuous. Now, the second respondent is not receiving the necessary charge for performing the Kattalai pooja for the year 2017. Hence, he has come forward with the present petition.

5. It is brought to the notice of this Court that earlier, the petitioner was permitted to perform the Kattalai till the year 2015, but he was not permitted to do so during the year 2016 and therefore he has filed WP No. 279 of 2016 before this Court. At the time when the WP No. 279 of 2016 came up for hearing, the date for performance of the function was over and therefore, the relief sought for in the writ petition has become infructuous and it was dismissed. Thus, the earlier writ petition in WP No. 279 of 2016 filed by the petitioner was not

dismissed on merits. Further, in all the previous year, the petitioner has been permitted to perform the Kattalai and he also performed the same.

6. In such view of the matter, having regard to the submissions made on either side and also in the light of the earlier orders passed by this Court in W.P.No. 800 of 2013, this Court permits the petitioner to perform the Mandapa Kattalai during Thaipoosam for the year 2017 on payment of necessary charge to the second respondent without insisting for any Muthal Mariyathai and Parivattam and the second respondent is hereby directed to receive the necessary charge for performing Kattalai from the petitioner.

7. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious & Charitable
Endowments,
Nungambakkam,
Chennai-600 034.

2.The Executive Officer,
Arulmighu Subramaniaswamy Thirukoil,
Chennimalai,
Erode District.

3.The Superintendent of Police,
Erode District,
Erode.

4.The Inspector of Police,
Chennimalai Police Station,
Erode District.

+1cc to Mr.B. Karthikeyan, Advocate, S.R.No.4982
+1cc to the Government Pleader, S.R.No.5920

mv(CO)
md(31/01/2017)

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