



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.A. (MD) No.18 of 2017

and

C.M.P. (MD) .Nos.224 to 226 of 2017

- 1.J.Sundarrajan
- 2.V.sundararagavan
- 3.D.Ganesan
- 4.V.Periyasamy
- 5.A.Baskaran
- 6.R.Aranganathan @ Nagarajan
- 7.V.Baskar
- 8.R.Rajaprabhu
- 9.S.Pandiyar
- 10.M.Sankarthayal Sharma
- 11.C.Karumpanaiyan
- 12.P.Balamurugan
- 13.S.Nagaraj
- 14.B.Radhakrishnan
- 15.T.Boominathan
- 16.B.Prakash
- 17.Gurusamy
- 18.Vellaikrishnan
- 19.C.Senthilrajan

..Appellants/ Third Parties/
Respondents 3 to 21

Vs.

1.P.K.Periyagangai ...1st respondent/Writ Petitioner

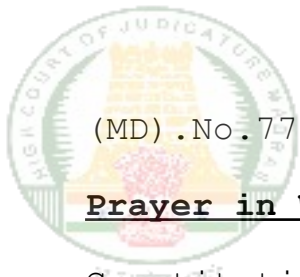
2.The Executive Officer,
Arulmigu Muniyandi Swamy Vagaiyara
Thirukovil, Alanganallur,
Vadiptti Taluk, Madurai District,

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department, Mela Chithirai Street,
Madurai - 625 001.

.. Respondents 2 & 3/
Respondents 1 & 2

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Appeal has been filed under Clause 15 of the Letters
Patent Act, against the order dated 05.01.2017, passed in W.P.



(MD).No.77 of 2017 by a learned Single Judge of this Court.

Prayer in WP(MD). 77/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st Respondent Executive officer of Arulmigu Muniyandi Swamy Vakaiyara Thirukovil, Alanganallur, Madurai District alone should lead, organize the festival from the commencement on 10.1.2017 till the end of function on 11.1.2017 without any interference from any unauthorized festival committee.

For appellant : Mr.V.Meenakshisundaram
For 1st respondent : Mr.N.Sundaresan
For 3rd respondent : Mr.V.R.Shanmuganathan,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by R.SUBBIAH, J.)

This writ appeal has been filed by the third parties to the writ petition against the order passed by the learned Single Judge of this Court in W.P.(MD).No.77 of 2017, dated 05.01.2017. The first respondent herein has filed the writ petition for a direction to the second respondent herein to lead and organize the festival from the commencement of the function ie. on 10.01.2017 till the end of the function ie., on 11.01.2017, without any interference from any unauthorised festival committee.

2. Before the learned Single Judge, it is the case of the first respondent herein that an unauthorized committee formed by 10 persons in the village is attempting to conduct the festival at the temple without having any authority of law or sanction from the HR & CE Department. The learned Special Government Pleader appearing for the official respondent has categorically stated that the festival will be conducted only by H.R. and C.E. Department and the said unauthorized committee has no role to play in the pongal festival which would conducted inside the temple. Considering the above submissions, the learned Single Judge of this Court has held in paragraph No.5 as follows;

"5.Considering the above-stated facts and circumstances, this writ petition is disposed of by directing the first respondent to conduct the festival in accordance with law on behalf of the H.R & C.E. Department without there being any interference by the third parties, much less the so called committee formed by some private individuals without having any authority of law. At the same

is made clear that all the public including those persons said to have been in the said committee



are entitled to participate in the festival like any other public in the village. No costs."

3. Now, by obtaining leave of this Court, the present appeal has been filed by the members of a committee stating that the first respondent / writ petitioner has obtained order without impleading them. The learned counsel appearing for the appellants further submitted that it is incorrect to state that the appellants have formed an unauthorised committee. The pongal festival which would be conducted inside the temple by the HR & CE Department would not be disturbed by the appellants. So far as the other festival which would be conducted by the appellants outside the temple, the HR & CE Department may be directed not to make any interference.

4. At this juncture, the learned Special Government Pleader appearing for the HR & CE Department submitted that they are concerned only with regard to the festival that would be conducted inside the temple, but the other programmes which would be conducted outside the temple are not their concern. He has further submitted that the HR & CE Department has not approved any committee of members to celebrate the pongal festival on behalf of the temple. The said statement is recorded.

5. Recording the above submission made by the learned counsel for the appellants and the learned Special Government Pleader, this Writ Appeal is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar.

To

1. The Executive Officer,
Arulmigu Muniyandi Swamy Vagaiyara
Thirukovil, Alanganallur,
Vadiptti Taluk, Madurai District,

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department, Mela Chithirai Street,
Madurai - 625 001.

+1CC to M/S.D.Nallathambi, Advocate, SR.No. 1994

+1CC to M/S.N.Sundaresan, Advocate, SR.No. 1935

+1CC to the Special Government Pleader, SR.No. 2270

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10.01.2017