



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A. [MD] .No.65 of 2017

S.Jeyakumar

: Appellant

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Hindu Religious & Charitable Endowments Department,
St.Fort.George, Chennai 9.
- 2.The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 34.
- 3.The Joint Commissioner/Executive Officer,
Hindu Religious & Charitable Endowments Department,
Suchindrum 629 704, Kanyakumari District.
- 4.The District Archeological Officer,
Department of Archelogy,
Collectorate Campus [RDO Office Campus],
Nagercoil, Kanyakumari District.
- 5.Sri.Sankara Narayan Ru,
Mathor Madam, Kannivilai,
Kumarankudi Post, Kanyakumari District.
- 6.Mr.V.P.Ramanathan,
The President,
Arulmigu Marthandeswaran Mahadevar Temple,
Kumbabishah Committee,
Palace Road, Eraneil, Kandavilai Post,
Kanyakumari District.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.10.2016 made in W.P.(MD).No.19330 of 2016, on the file of this Court.

Prayer in WP(MD) . 19330/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 1 and 3 to initiate appropriate action against the 6th respondent and to reinstall the same Kumbam on the supervision of the 5th respondent after the due certification of the 4th respondent.

For Appellant

: Mr.C.K.M.Appaji

For Respondent

Nos.1 &2 : Mr.VR.Shanmuganathan

Special Government Pleader

For Respondent No.3

: Mr.M.Saravanan

**JUDGMENT**

[Judgment of the Court was made by **R.SUBBIAH, J.**]

This Writ Appeal has been filed as against the order, dated 18.10.2016, made in W.P.(MD).No.19330 of 2016.

2. The case of the appellant before the learned Single Judge is that in the year 2015, the devotees of Arulmigu Marthandeswaran Mahadevar Temple resolved to perform "Asta Banthan Maha Kumbabishekam" on the expense of their own contribution. After obtaining necessary permission from the authority concerned, a programme chart was drafted. From 11.10.2015 to 13.10.2015, Balaya Poojai was performed in strict compliance with Agama Vithi. In this situation, on 06.02.2016, when the appellant entered into the said temple premises for worshipping, he was surprised to note that Kumbam was found missing from Vimana Koburam. The appellant, immediately, informed the same to the Kumbabiseka Committee, the sixth respondent herein. In this regard, the appellant also made a complaint before the Inspector of Police, Eraniel Police Station, on 02.09.2016. Since no action was taken, the appellant was constrained to file W.P.(MD).No.19330 of 2016.

3. The learned Single Judge of this Court, by order dated 18.10.2016, recording the report filed by the third respondent herein to the effect that 'Kumbam' has been removed only for the purpose of safety and it will be reinstalled at the time of Kumbabishekam, closed the Writ Petition. Having not been satisfied with the said order, the appellant has come forward with the present Writ Appeal.

4. We have heard the learned counsel appearing for the appellant, the learned Special Government Pleader appearing for the respondents 1 and 2, the learned counsel appearing for the third respondent and we have also perused the records carefully.

5. Today, when the Writ Appeal is taken up for consideration, the learned Special Government Pleader produced the copies of the proceedings dated 03.10.2016, issued by the third respondent herein and submitted that since the renovation work was going on, 'Kumbam' was removed only for the purpose of safety and it will be reinstalled at the time of Kumbabishekam. Relying on the same, the learned Special Government Pleader submitted that it is incorrect to state that 'Kumbam' was missing. Therefore, the learned Special Government Pleader prayed for dismissal of the Writ Appeal.

6. In view of the above proceedings of the third respondent herein dated 03.10.2016, we are of the considered view, nothing survives for adjudication in this Writ Appeal, which is totally devoid of merits and therefore, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(Writs)



To

1.The Secretary to Government,
Hindu Religious & Charitable Endowments Department,
St.Fort.George, Chennai 9.

2.The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 34.

3.The Joint Commissioner/Executive Officer,
Hindu Religious & Charitable Endowments Department,
Suchindrum 629 704, Kanyakumari District.

+1 cc to MR.C.K.M.Appaji ADVOCATE, SR NO:8037

+1 cc to MR.M.Saravanan ADVOCATE, SR NO:7642

sva/bs/27.02.2017/3p/6c

**JUDGMENT MADE IN
W.A. [MD] .No.65 of 2017
10.02.2017**