



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.17537 of 2017

and

W.M.P (MD) No.14064 of 2017

J.Manoharan

.. Petitioner

Vs.

1.The Assistant Commissioner/

Executive Officer,

Arulmigu Kalyana Venkatramanswamy Thirukovil,

Thanthondrimalai,

Karur Taluk and District.

2.A.Chandran

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance a writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent dated 04.09.2017, in Na.Ka.No.732/2017 E1 and quash the same.

For Petitioner

: Mr.M.P.Senthil

For Respondent-1

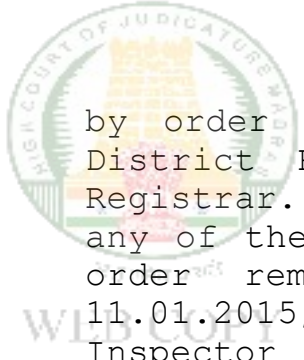
: Mr.P.Aathimoolapandian

ORDER

This writ petition is filed for issuance a writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent dated 04.09.2017, in Na.Ka.No.732/2017 E1 and quash the same.

2.The learned counsel appearing for the petitioner submitted that Sri Balijava Naidu Mahajana Sangam, Karur, was formed to promote and safeguard the interest of Balijava Community and was registered under the Tamil Nadu Societies Registration Act,1975. The entire expenditure for conducting Hanumandha Vagana Mandagapadi Urchavam at the Arulmigu Kalyana Venkatramaswamy Thirukovil, Thanthondrimalai had been borne by the Sangam.

3.Since there were some disputes in the said Sangam, the
<https://hsr.srccourt.gov.in/hsr/cases> Registrar passed an order dated 16.08.2011, dissolving the Society without any due notice and the same was challenged before the this Court in W.P(MD).No.11685 of 2011 and this Court



by order dated 08.07.2014, set aside the order passed by the District Registrar and remitted back the matter to District Registrar. The District Registrar once again without considering any of the issues and objections raised by the Sangam, passed an order removing the name of the Sangam. Subsequently, on 11.01.2015, an appeal against the order was preferred before the Inspector General of Registration, Chennai and the same is pending.

4. Subsequently, the second respondent had filed a suit in O.S.No.61 of 2017, seeking relief for permanent injunction restraining the petitioner in any way using the name of the Sangam, convening general body meeting on 19.02.2017 and by order dated 17.02.2017, the District Munsif, Karur, has ordered that till the disposal of the appeal or suit, there should not be any change in the by-laws of the Sangam.

5. It is further submitted that the Mandagapadi Urchavam is conducted only by the Sangam as well as its member and there is no dispute in this regard. Now, the said Urchavam is scheduled to be conducted in the month of Purattasi and they requested the first respondent to receive necessary contribution towards Mandagapadi Urchavam and to issue receipt thereon and consequently requested to print the name of the Sangam in the invitation for the festival. However, the first respondent by order dated 04.09.2017 in Na.Ka.No.732 of 2017/E1, has declined to receive the contribution, stating that there is a dispute between two groups and therefore, the temple administration itself will conduct the festival. Hence, the petitioner is before this Court.

6. The learned counsel for the respondent would submit that since there are disputes between two groups and there were some objections in mentioning the name of the Sangam anywhere during the festival and also in order to avoid any untoward incident, it has been decided by the authorities to conduct the festival by the temple administration itself.

7. This Court is not inclined to accept the prayer sought for in this writ petition, to accept the contribution towards Mandagapadi Urchavam in the name of the Sangam, since the name of the Sangam had already been removed by the Registrar of Societies, against which an appeal came to be preferred is said to be pending. Unless and until an order is passed in the appeal, the right as claimed by the Sangam cannot be countenanced. At the same time, if representatives of the Sangam approach the authorities, in their individual capacity and contribute towards the Mandagapadi Urchavam, the same shall be accepted by the authorities and the representatives in their individual capacity may be permitted to participate in the festival.



8. It is further directed that no rival group is entitled to claim any right over there. The festival is necessarily to be conducted only by the temple authorities. It is always open to the petitioner to participate in the festival, in the individual capacity.

9. With the above directions, the writ petition is disposed of. No Cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Assistant Commissioner/
Executive Officer,
Arulmigu Kalyana Venkatramanswamy Thirukovil,
Thanthondrimalai,
Karur Taluk and District.

+One cc to Mr.M.P.Senthil, Advocate, SR.No.80266

dsk
RL/3C/3P/JC/SAR1/22/9/2017

ORDER MADE IN

W.P(MD)No.17537 of 2017

21.09.2017