



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2017

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE K. RAVICHANDRABAABU**

W.P. (MD) No. 3543 of 2017

A. Palanivel

... Petitioner

Vs.

1. The Commissioner,
HR & CE Department,
Chennai.

2. The Joint Commissioner,
HR & CE Department,
Madurai.

3. The Assistant Commissioner,
HR & CE Department,
Dindigul.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to conduct 3rd Mandagapadi at Dindigul Arulmigu Kottai Mariyamman temple perform by the Perumal Gounder, Ramasamy Gounder Vakaiyara on 03.03.2017 by considering the petitioner's representation dated 10.02.2017.

For Petitioner : Mr. R. Manoharan

For Respondents : Mr. C. Selvaraj

(Special Government Pleader)

ORDER

Mr. C. Selvaraj, learned Special Government Pleader takes notice for the respondents.

1. This Writ Petition is filed seeking for a Mandamus directing the respondents to grant permission to conduct 3rd Mandagapadi festival of Arulmigu Kottai Mariyamman temple, Dindigul, on 03.03.2017, by considering the petitioner's representation dated 10.02.2017.

2. It appears that there is a dispute between the petitioner and a third party with regard to conduct of 3rd Mandagapadi



festival at the above said temple and an order dated 14.10.2016 made in O.A.No.6 of 2006 came to be passed by the Joint Commissioner, HR & CE Department, Madurai in favour of the said third party giving such right of conducting 3rd Mandagapadi. It is also seen that the petitioner has approached the first respondent by way of a representation/appeal dated 08.02.2017 seeking for setting aside the order passed by the Joint Commissioner dated 14.10.2016. It is further seen that the said appeal is still pending before the first respondent.

3. When such being the factual position, I do not think that the petitioner can seek for the relief as sought for in this writ petition to permit him to conduct 3rd Mandagapadi. Though the learned counsel for the petitioner submitted that the order passed by the Joint Commissioner dated 14.10.2016 was against the decree granted by the civil Court, as the petitioner has already approached the first respondent by way of an appeal as stated supra, it is for him to raise all the contentions before the first respondent, who in turn has to consider the appeal on its own merits and decide the same in accordance with law.

4. Therefore, I find that the present writ petition is totally misconceived. Accordingly, this Writ Petition is dismissed. Since the appeal filed by the petitioner is pending before the first respondent, the petitioner can pursue the appeal before the first respondent and this Court hopes that the first respondent will take up the matter and dispose of the same as expeditiously as possible, after hearing all the parties concerned. No Costs.

Sd/-

Assistant Registrar(C)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner, HR& CE Department, Chennai.

2.The Joint Commissioner, HR & CE Department, Madurai.

3.The Assistant Commissioner, HR & CE Department, Dindigul.

+1 cc to The Special Government Pleader in SR.No. 11952

+1 cc to M/S.R.Manoharan, Advocate in SR.No. 11510

pm

CSL/BS/10.03.2017 :2P/6C

W.P. (MD) No.3543 of 2017

01.03.2017