



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V. PARTHIBAN

W.P. (MD) No. 4278 of 2017

WEB COPY

Chitrambalam

... Petitioner

Vs.

The Executive Officer / Deputy Commissioner,
Arulmighu Subramaniaswamy Thirukoil,
Thiruparankundram,
Madurai District.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to receive the prescribed fee from the petitioner for conducting Mandagapadi of Arulmigu Subramaniaswamy Thirukoil, Thiruparankundram in S.No.874/2, Door No.45/1, Sannathi Street, Thiruparankundram during the Panguni Uthira festival procession dated 16.03.2017 and 17.03.2017.

For Petitioner : Mr.R.M.Arun Swaminathan for
M/s.Chettinad Legal Solutions

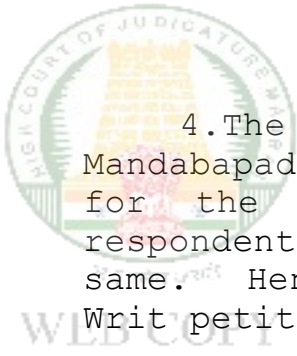
For Respondent : Mr.S.Manokar

ORDER

This Writ petition has been filed, seeking to issue a Writ of Mandamus, directing the respondent to receive the prescribed fee from the petitioner for conducting Mandagapadi of Arulmigu Subramaniaswamy Thirukoil, Thiruparankundram in S.No.874/2, Door No.45/1, Sannathi Street, Thiruparankundram during Panguni Uthira festival procession dated 16.03.2017 and 17.03.2017.

2.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent. By consent of both parties, the Writ petition itself is taken up for final disposal at the admission stage.

3.According to the petitioner, he belongs to Hindu Piramalai Kallar Community and the petitioner's ancestors possessed a property in Survey No.874/2 at Tiruparankundram Village, Tirumangalam Taluk, Madurai District, in which, a stone building was constructed for Arulmighu Subramaniaswamy and during Tamil Panguni Uthra festival they used to conduct a procession. On 27.06.1947, by way of a settlement deed, the ancestors of the petitioner sold the said property to one I.David Thomas, however, there was no obstruction to enter into the said Temple.



4.The grievance of the petitioner is that one of the Mandabapadithar of Panguni Uthira festival paid the prescribed fee for the said Temple on 07.03.2017 and 09.03.2017 to the respondent. However, the respondent has refused to accept the same. Hence, the petitioner rushed this Court with the present Writ petition for the aforesaid relief.

5.The learned counsel for the petitioner submitted that as per an arrangement among his community members, the petitioner and his community members are entitled to have right of worship in the said Temple during Tamil Panguni Uthra festival and in order to enforce the said right to worship, the petitioner has made a representation on 10.03.2017 to the respondent.

6.From the materials placed on record and the pleadings, I do not find any cause of action for the petitioner to approach this Court under Article 226 of the Constitution of India. Moreover, the representation has been sent to the respondent only on 10.03.2017 and it is for the authorities to consider the same and pass orders. Without waiting for any reply from the respondent, the petitioner has rushed to this Court with the present Writ petition. Therefore, in the absence of any cause of action, the present Writ petition is devoid of merits and also premature.

7.In view of the same, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub Assistant Registrar

To

The Executive Officer / Deputy Commissioner,
Arulmighu Subramaniaswamy Thirukoil,
Thiruparankundram,
Madurai District.

+1cc to M/s.R.M.ARUN SWAMINATHAN Advocate in SR. No.14498

NBJ

JS.SV.MMS/SAR.2/14.03.2017/2P-3C

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