



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.6346 of 2017

and

W.M.P (MD) No.5027 of 2017

P.Balakrishnan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Government of Tamil Nadu, Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department, Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Madurai.

4.The Executive Officer,
Arulmigu Sri Kallalagar Soundararaj Perumal
Swamy Temple,
Alagar Kovil,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to receive the fees from the petitioner for conducting Subbiah Nadar Trust Thirukkan Mandagapadi at Dr.No. 75, Alagar Kovil Road, Goripalayam, Madurai-02 for the Chithirai Festival of Arulmigu Sri Kallalagar Soundararaja Perumal Swamy Temple, Alagarkovil for the year 2017.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.A.Muthukaruppan. A.G.P
(for R1 to R3)
Mr.S.Manokar (for R4)

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

This writ petition has been filed by the petitioner for the issuance of a Writ of Mandamus directing the 4th respondent to



receive the fees from the petitioner for conducting Subbiah Nadar Trust Thirukkan Mandagapadi at Dr.No. 75, Alagar Kovil Road, Goripalayam, Madurai-02 for the Chithirai Festival of Arulmigu Sri Kallalagar Soundararaja Perumal Swamy Temple , Alagarkovil for the year 2017.

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2. According to the petitioner, his forefather executed a settlement deed in 1912 creating a private Thirukkan Mandagapadi Trust. As per the deed, Thirukkan Mandagapadi has to be established every year during Chitra Pournami festival in Madurai, when Lord Sri Kallalagar Soundararaja Perumal Swamy comes from Alagar Kovil for celestial wedding of Goddess Meenakshi Amman and Lord Sundareswarar and enters Vaigai river. The idol of Sri Kallalagar is invited to Thirukkan Mandagapadi for worship by the petitioner's descendants and relatives. At that time, food (Annathanam) is offered to relatives and Thalugai Neivethiyam and Parivattam is offered to Deity. In 1968, the descendants of the petitioner's ancestors partitioned the properties through partition deed dated 03.05.1968. In the said partition deed, the Thirukkan Mandagapadi's property had been shown as "D" schedule and thereafter, the Mandagapadi has been performed by the descendants on a rotational basis. As per rotation basis, the petitioner's father was performing Thirukkan Mandagapadi once in three years and after his demise, the petitioner has been performing the same. The petitioner performed Thirukkan Mandagapadi in Chithirai 2014 and as per rotation of every three years, he has to perform the same this year, namely, 2017.

3. While the matter stood thus, the fourth respondent is refusing to receive the fees for conduct of Mandagapadi on the ground that a writ petition is pending before this Court. According to the petitioner, some persons had filed a writ petition in W.P(MD)No.2327 of 2016 questioning the power of respondents 1 to 3 appointing the fourth respondent as Fit Person for the Thirukkan Mandagapadi private trust founded by the petitioner's ancestors under the provisions of the Tamil Nadu Religious and Charitable Endowments Act, 1959. The said writ petition was admitted and stay of all further proceedings was granted. In such circumstances, the fourth respondent is refusing to receive the fees from the petitioner towards conduct of Mandagapadi, when the same was offered by the petitioner. Therefore, the petitioner has filed the present writ petition for the relief as stated supra.

4. Heard Mr.J.Barathan, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.S.Manohar, learned counsel appearing for the third respondent.

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

5. The learned counsel appearing for the petitioner draw this court's attention to the earlier order passed by this Court in W.P

(MD)No.7420 of 2016 dated 15.04.2016 in respect of the conduct of Thirukkan Mandagapadi for the year 2016, wherein this Court passed the following order at paragraph 4:-

"4.Now, the respondents have refused to receive the mandagapadi fees on certain reasons. However, it is stated that there are other proceedings pending in this regard. Pending the aforesaid proceedings, the petitioner is seeking for permission to perform the mandagapadi for this year which is fixed on 21.04.2016. As an interim arrangement, the petitioner may be allowed to perform mandagapadi on payment of necessary fees. The fourth respondent is directed to receive the fees for the same forthwith and allow the petitioner to perform the mandagapadi. The petitioner shall ensure that the above said performance is done in a smooth manner without any hindrance to the public and should not give any room for any complaint. It is also made clear that the above said permission / direction is given only for this year alone."

6.The learned counsel appearing for the petitioner as well as the learned counsel appearing for the fourth respondent would submit that a similar direction may be issued for this year also in respect of the petitioner herein.

7.In view of the above said submissions, this Court deems fit to issue the following direction to the respondents:-

"The fourth respondent is directed to receive the fees for conducting the mandagapadi for the year 2017 from the petitioner. Thereafter, the petitioner may be allowed to perform mandagapadi on receipt of the fees from the petitioner. The petitioner shall ensure that the above said performance is done in a smooth manner without any hindrance to the public and should not give any room for any complaint. It is also made clear that the above said permission / direction is given only for this year alone.

8.With above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Government of Tamil Nadu,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.
4. The Executive Officer,
Arulmigu Sri Kallalagar Soundararaj Perumal Swamy Temple,
Alagar Kovil,
Madurai.

+1 cc to Mr.T.R.Jeyapalam, Advocate, SR.No.51196
+1 cc to Special Government Pleader, SR.No. 51491

W.P. (MD) No. 6346 of 2017
and
W.M.P (MD) No. 5027 of 2017
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