

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2018

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.7707 of 2018 and

W.M.P.No.9609 of 2018

Thiyaga.Mohan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Tiruchirapalli.

3.The Executive Officer,
Arulmighu Brihadeeswarar Temple,
Gangaikonda Cholapuram,
Ariyalur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent in No.Nil dated 29.03.2018 and to quash the same and consequently, direct the respondents to permit the Panguni Uthiram festival to be conducted for Mahisasuramardhini Deity in Arulmighu Brihadeeswarar Temple, Gangaikonda Cholapuram commencing from 04.04.2018 till 13.04.2018.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.M.Maharaja,

Special Government Pleader

O R D E R

This Writ Petition has been filed by the petitioner challenging the impugned proceedings dated 29.03.2018 passed by the 3rd respondent viz., the Executive Officer of Arulmighu Brihadeeswarar Temple, Gangaikonda Cholapuram and to quash the same and consequently, to direct the respondents to permit the Panguni Uthiram festival to be conducted for Mahisasuramardhini

Deity in Arulmighu Brihadeeswarar Temple commencing from 04.04.2018 till 13.04.2018.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is one of the Mandagapaditharar of Arulmighu Brihadeeswarar Temple, Gangaikonda Cholapuram. This Temple is having historical importance and high architectural value. The Archaeological Survey of India administers the Temple as a protected heritage monument. UNESCO has declared it as World Heritage Site in the year 2004 and the Hindu Religious and Charitable Endowments Department is given pooja rights and it is a notified Temple under the Hindu Religious and Charitable Endowments Act. It is also stated that the Temple was constructed by King Rajendra Chola in the year 1022 in order to commemorate the victory over the East Coast of India and also Ganga. The Temple structure is similar to that of the Thanjavur Big Temple and it is one of the most visited tourists spot in Tamil Nadu. It also attracts tourists from all over the world. Apart from the architectural value, several festivals are being conducted by the Temple every year attracting devotees, which include Masi Sivarathiri, Iypasi Pournami, Panguni Thiruvizha and Marghazhi Thiruvathirai. The Panguni Uthiram festival is being performed in the Tamil Month of Panguni every year with Urchavam on the last Friday of the month, preceded with ten days functions and rituals which include Palkavadi, Alagu Kavadi, Alagu Kuthukal, Alangara Kavadi, Pal Kudam, Santhanakappu Alangaram, Abisekham etc. For the past 88 years, the Panguni Uthiram festival is being performed by the Mandagapaditharar/Upayatharar. This year being the 89th years, Panguni Uthiram festival commences from 04.04.2018, ending on 13.04.2018.

3.The learned counsel appearing for the petitioner has further submitted that considering all the ten days festival, permission was sought for by the petitioner before the 3rd respondent. But even without hearing the petitioner, the 3rd respondent had passed the impugned order, without assigning any reason, as a result of which, the continuity of celebrating the Panguni Uthiram festival is going to be affected. Therefore, the impugned order, which is passed behind the back of the petitioner and which also causes discontinuation in the celebration of the Panguni Uthiram festival, which is being celebrated without any break in the last 88 years, directs the petitioner to approach the authorities of the Hindu Religious and Charitable Endowments Department, Trichy seeking permission to celebrate the Panguni Uthiram festival.

4.A detailed counter affidavit has been filed by the 3rd respondent along with typed set of papers.

5. Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents, agreeing with the submission made by the learned counsel for the petitioner, has submitted that the impugned order has been passed without application of mind. The learned Special Government Pleader has further submitted that since several groups of people are claiming right to hold Panguni Uthiram festival, this would cause law and order problem. In support of his submission, the learned Special Government Pleader has also produced various applications submitted by various parties seeking permission to worship Lord Brihadeeswarar. Since the petitioner is also one among the parties, the 3rd respondent, taking note of the law and order problem that would arise, if in case only one party is permitted to celebrate Panguni Uthiram festival, after consultation, has come to the conclusion that the Panguni Uthiram festival would be performed by the Temple authorities and refused to grant permission to the petitioner. Therefore, the petitioner cannot approach this Court challenging the impugned order.

6. In addition, the learned Special Government Pleader has stated that if the respondent authorities are going to hold the festival this year, the petitioner's apprehension that the festival would get discontinued, has no reason to stand. It is open for the petitioner also to take part in the festival without causing any inconvenience to others. The learned Special Government Pleader has further stated that when the Temple authorities are making all arrangements to proceed with the Panguni Uthiram festival with the help of the Revenue Authorities and Police Department, there would not be any untoward incident.

7. Heard the learned counsel appearing for the petitioner and also the learned Special Government Pleader appearing for the respondents.

8. The typed set of papers filed by the respondents show that on 05.03.2018, a Peace Committee meeting was held in the presence of the Tahsildar, Jayamkondam. The name of the petitioner could also be seen in the place of signature under Party-B. Therefore, this Court, without going into the issues/contentions raised by both the sides and considering the fact that the impugned order was passed behind the back of the petitioner, is of the view that the impugned order is liable to be set aside, as legally unsustainable.

9. Therefore, the impugned order passed by the 3rd respondent is set aside. The Revenue Divisional Officer, Udayarpalayam is directed to hold a Peace Committee meeting on 08.04.2018, after informing the members of both Party A & B, with sufficient notice and decide as to how the Panguni Uthiram festival should be held. This Court also directs the parties to

abide by the final decision taken in the Peace Committee Meeting and celebrate the Panguni Uthiram Festival.

10. The learned Special Government Pleader has requested this Court to permit the Assistant Commissioner and Officers of the Hindu Religious and Charitable Endowments Department to participate in the Peace Committee meeting to be held on 08.04.2018.

11. The Peace Committee meeting can be held on 08.04.2018 by the Revenue Divisional Officer, Udayarpalayam, after informing the members of both Party A & B and also the Inspector of Police, Executive Officer of the Temple, the Assistant Commissioner of the Hindu Religious and Charitable Endowments Department and other elderly persons of the village.

12. With the above direction, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Nungambakkam, Chennai - 600 034.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Tiruchirapalli.
- 3.The Executive Officer,
Arulmighu Brihadeeswarar Temple,
Gangaikonda Cholapuram,
Ariyalur District.

4 The Revenue Divisional officer
Udayarpalayam
+1 cc to Mr.G.Sankaran Advocate sr 25376
+1 cc to the Govt Pleader sr 25338

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