

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7724 of 2018

V.Govindasamy

.. Petitioner

-vs-

1. The Joint Commissioner
Hindu Religious Charitable and
Endowment Administration Department
Salem 636 001
2. The Assistant Commissioner/Executive Officer
(Idols Safety Locker Centre)
A/m Sugavaneswarar Temple
Salem 636 001
3. A/m Periya Om Kaliamman Thirukoil
rep.by its Thakkar
Tiruchengode
Namakkal District
4. The Revenue Divisional Officer cum
Sub Divisional Magistrate
Tiruchengode
Namakkal District
5. The Superintendent of Police
Namakkal District
Namakkal
6. The Inspector of Police
Tiruchengode Town Police Station
Tiruchengode
Namakkal District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 27.03.2018 made in Na.Ka.No.3359/2018/A3 passed by the first respondent, quash the same and consequently forbear the respondents 1 to 3 from conducting yearly Panguni Kundam festival at A/M Periya Ohm Kaliamman Temple, Tiruchengode,

Namakkal District in compliance with the orders dated 10.03.2014 and 08.03.2018 passed by the fourth respondent till the completion of Thirupani work to perform Kumbabishegam.

For Petitioner :: Mr.N.Manokaran

For Respondents :: Mr.M.Maharaja
Special Government Pleader
for R1 to 3
Mr.D.Suryanarayanan
Additional Government Pleader
for R4 to 6

ORDER

This writ petition has been filed challenging the impugned order dated 27.3.2018 passed by the Joint Commissioner of Hindu Religious and Charitable Endowment Department, in and by which arrangements were directed to be made to perform the yearly Panguni Kundam festival of Arulmighu Periya Ohm Kaliyamman Temple situated at Tiruchengode Town, Namakkal District from 2.4.2018 to 12.4.2018.

2. The petitioner claims to be a devotee of Arulmighu Periya Ohm Kaliyamman Temple and the learned counsel for the petitioner submitted that during the year 2012, the compound wall of the temple was damaged due to heavy rain that necessitated the then trustee to submit a proposal to the first respondent for getting permission for the commencement of Thirupani work. Thereafter, the first respondent also called for a report from the Inspector of Hindu Religious and Charitable Endowments, Tiruchengode to ascertain the factual position and accordingly, the Inspector of Hindu Religious and Charitable Endowments, Tiruchengode also submitted a report on 20.2.2014 making it clear that the temple had suffered heavy damages due to various factors and hence he recommended to carry out the renovation work. Thereafter, the Commissioner of Hindu Religious and Charitable Endowments Department, Chennai, vide communications dated 6.2.2014 and 12.2.2014, instructed the first respondent to pass an order on the basis of the report of the Inspector, Hindu Religious and Charitable Endowments, Tiruchengode. Pursuant thereto, the first respondent also has appointed the Assistant Commissioner of Arulmighu Arthanareeswarar temple as a fit person for the Thirupani work to be done in Arulmighu Periya Ohm Kaliyamman Temple. Now the fit person has also made all arrangements for renovation of the Moolavar, Urchavar, Maha muneeswarar, Garbagraha and the temple gopuram as part of the Thirupani work. Although they are taking care of the temple administration and conducting the Kundam festival during the Tamil month of Panguni every year, some disputes have arisen among various groups with

regard to the right of administration over the temple.

3. In this regard, a complaint was also given to the Tahsildar, Tiruchengode to maintain law and order during the temple renovation work. In view of the complaint, the Tahsildar convened a peace committee meeting on 6.2.2014 between A and B parties representing various factions. After many deliberations and discussions, both factions had agreed to co-operate for the completion of the temple renovation work as ordered by the first respondent and they had also agreed to postpone the yearly Panguni Kundam festival to be held from 31.3.2014 to 10.4.2014. In the meanwhile, a meeting was held on 6.2.2014, but all the interested persons were not informed of. Hence, the petitioner made an appeal before the fourth respondent, who in turn issued notice to A and B parties for the enquiry on 5.3.2014 and after the holding of enquiry in the presence of rival parties, the fourth respondent passed an order on 10.3.2014 postponing the yearly Panguni Kundam festival scheduled to be held from 31.3.2014 to 10.4.2014, until the completion of the renovation work and Kumbabishegam.

4. When the matter stands as above, the impugned order has been issued directing the fit person to conduct the Panguni Kundam festival from 2.4.2018 to 12.4.2018 in the Arulmighu Periya Ohm Kaliyamman temple. The learned counsel for the petitioner also submitted that the impugned order is in violation of the order passed by this Court on 16.3.2018 in W.P.No.8532 of 2014, wherein this Court, after recording the submission of the learned Special Government Pleader, while closing the writ petition, has made it clear that only after performing Kumbabishegam, if conducive situation prevails, the authorities are permitted to perform regular festivals. Now, admittedly, no Kumbabishegam has been performed. Therefore, the impugned order directing the third respondent/fit person to conduct the Kundam festival from 2.4.2018 till 12.4.2018 is wholly untenable and unjustified, hence the same requires to be interfered with. Concluding his arguments, he submitted that since the temple renovation works have not been completed, there is no necessity for the first respondent to order the conduct of the Panguni Kundam festival in the Arulmighu Periya Ohm Kaliyamman temple.

5. The learned Special Government Pleader for the respondents 1 to 3, opposing the above prayer, submitted that the petitioner is not entitled to come to this Court to maintain the writ petition for the reason that when the respondents have come forward to conduct the Panguni Kundam festival after ascertaining the prevailing situation in the village and in the nearby vicinity, the petitioner alone is having a grievance. Therefore, the writ petition filed belatedly after two days of

commencement of the festival is liable to be dismissed. Continuing his arguments, the learned Special Government Pleader also submitted that when the Hindu Religious and Charitable Endowments Department, in close cooperation with the revenue and police departments, has proceeded to conduct the Panguni Kundam festival of Arulmighu Periya Ohm Kaliyamman temple, indisputably, even after two days, there is no law and order problem reported anywhere. When the people are all participating and celebrating the Panguni Kundam festival, the petitioner alone cannot come to this Court, as he has no legal right to stop the Kundam festival. Again referring to the order passed by this Court in W.P.No.8532 of 2014 dated 16.3.2018, the learned Special Government Pleader submitted that the petitioner's writ petition was admittedly closed with an observation made in paragraph-5 of the order that after performing Kumbabishegam, if conducive situation prevails, the authorities are permitted to perform regular festivals. In view of the said observation, taking note of the fact that it would take a long time to complete the Kumbabishegam, satisfying with the conducive situation prevailing there, the authorities have proceeded to hold the Panguni Kundam festival, which cannot be opposed by the petitioner even after its commencement.

6. I also fully find justification on the part of the respondents to proceed with the Panguni Kundam festival in the temple in question. No doubt, the petitioner had earlier filed W.P.No.8532 of 2014 complaining certain law and order problem for holding the yearly Panguni Kundam festival in the Arulmighu Periya Ohm Kaliyamman temple. This Court closed the writ petition with an observation that after performing Kumbabishegam, if conducive situation prevails, the authorities are permitted to perform regular festivals. Now the only contention taken by the learned counsel for the petitioner shows that before performing Kumbabishegam, they are not entitled to proceed with the regular festival. In my considered opinion, the petitioner cannot raise his little finger to put any conditions against the Hindu Religious and Charitable Endowments Department stating that without holding and conducting the Kumbabishegam, they cannot proceed further. When thousands of people are expecting the yearly Panguni Kundam festival to be conducted, the respondents can always take a decision with regard to the holding of Kumbabishegam of the temple. But till the Kumbabishegam is conducted, the petitioner cannot insist upon the Hindu Religious and Charitable Endowments Department not to hold any yearly festival. When they have come forward to conduct the festival on the ground that conducive atmosphere prevails and they have also demonstrated that in the past two days, 2.4.2018 & 3.4.2018, no untoward incident has taken place, this Court finds no infirmity with the impugned order passed by the first respondent directing the third respondent to make all suitable

arrangements to hold the Panguni Kundam festival in the Arulmighu Periya Ohm Kaliyamman temple. Moreover, this Court is also not inclined to entertain the writ petition after two days of the commencement of the festival. Therefore, the writ petition is dismissed. Consequently, W.M.P.Nos.9639 & 9640 of 2018 are also dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Joint Commissioner
Hindu Religious Charitable and
Endowment Administration Department
Salem 636 001
2. The Assistant Commissioner/Executive Officer
(Idols Safety Locker Centre)
A/m Sugavaneswarar Temple
Salem 636 001
3. The Thakkar
A/m Periya Om Kaliyamman Thirukoil
Tiruchengode, Namakkal District
4. The Revenue Divisional Officer cum
Sub Divisional Magistrate
Tiruchengode, Namakkal District
5. The Superintendent of Police
Namakkal District
Namakkal
6. The Inspector of Police
Tiruchengode Town Police Station
Tiruchengode
Namakkal District.

+1cc to Mr.N.Manokaran, Advocate Sr.No.24708
+1cc to Government Pleader Sr.No.24845

CA(CO)
sm:17.4.2018

W.P.No.7724 of 2018