



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.1028 of 2018

and

W.M.P.(MD)No.1064 of 2018

R.Athithan

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

3.The Inspector of Police,
Mukkudal Police Station,
Mukkudal,
Tirunelveli District.

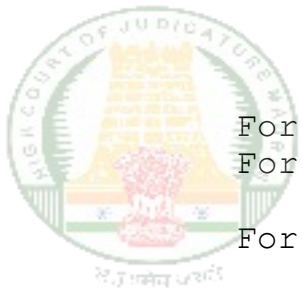
4.The Executive Officer,
Arulmigu Sri Muthumalai Amman Kovil (Incharge),
Office of the Executive Officer,
Arulmigu Krishnan Kovil Campus,
Ambasamudram,
Tirunelveli District.

5.The Assistant Commissioner,
Hindu Religious Endowment Board,
Tirunelveli,
Tirunelveli District.

6.The Joint Commissioner,
Hindu Religious Endowment Board,
Tirunelveli,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents No.4 to 6 to grant consent and permission for the celebration of Thaipoosam on the 18th day of Tamil Month of Thai, 2018 i.e., (31.01.2018) by the Arulmigu Sri Muthu Maalai Ammal Thirukovil, festival committee, Mukkudal forthwith along with the further direction of directing the respondents No.1 to 3 to grant police protection for celebrating the same at Mukkudal, Tirunelveli District.



For Petitioner : Mr.S.Palani Velayutham
For R1 to R3, R5 & R6 : Mr.Aayiram K.Selva Kumar,
Additional Government Pleader.
For R4 : Mr.H.Arumugam

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ORDER

The Writ Petition has been filed seeking permission for the celebration of Thaipoosam festival in Arulmigu Sri Muthu Maalai Ammbal Thirukovil, Mukkudal and also seeking direction to the respondents 1 to 3 to grant police protection for celebrating the same at Mukkudal, Tirunelveli District.

2. According to the petitioner, he is the president of one Mukkudal Hindu Nadar Seva Sangam at Mukkudal, Tirunelveli District. There is a Temple called Sri Muthumalai Amman Temple and its sub temple called Arulmigu Ramasamy Temple situated in the above said village and the same was established by the Hindu Nadar Community People, the day to day pooja and all the festival expenses are borne by them. In the year 1976, a fit person has been appointed by the Hindu Religious and Charitable Endowment Department. Now, the Thaipoosam festival is to be celebrated in the temple and the petitioner wants to celebrate the Thaipoosam in a grand manner and a committee was also formed by them. In this regard, the petitioner made a representation before the respondents 1 to 3 seeking permission to celebrate the festival, but so far, no order has been passed. Hence, the present Writ Petition has been filed.

3. The fourth respondent has filed counter affidavit stating that the said temple is under the control of Hindu Religious and Charitable Endowment Department and originally a fit person was appointed in the year 2012 and the same has been challenged before this Court in W.P.(MD)No.2640 of 2012. The said Writ Petition has also closed on 10.11.2017. Now, the fourth respondent made all arrangements to celebrate the festival i.e., "Theerthavari" and other connected rituals and everyone can participate in the Thaipoosam festival proposed to be conducted by the HR & CE Department and he has also filed a Writ Petition in W.P.(MD)No.8728 of 2012 seeking police protection and the same was also allowed. But the petitioner has no right to conduct any festival in the temple and now, they are trying to collect the temple funds illegally and earlier, several Writ Petitions have been filed by the petitioner's association, which have been dismissed.

4. From the above pleadings, it is seen that the said temple is under the control of the Hindu Religious and Charitable Endowment and the fourth respondent / Executive Officer made all necessary arrangements to conduct Thaipoosam festival and the petitioner's association has no right to conduct the festival. In the above circumstances, in the absence of any right to conduct the festival, the petitioner cannot maintain this Writ Petition. However, it is always open to the petitioner to participate in the festival proposed to be conducted by the HR & CE Department.



5. With the above direction, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.
3. The Inspector of Police,
Mukkudal Police Station,
Mukkudal, Tirunelveli District.
4. The Assistant Commissioner,
Hindu Religious Endowment Board,
Tirunelveli,
Tirunelveli District.
5. The Joint Commissioner,
Hindu Religious Endowment Board,
Tirunelveli, Tirunelveli District.

+1cc to Mr.S.PALANI VELAYUTHAM, Advocate, SR. 43407
+1cc to Mr.H.ARUMUGAM, Advocate, SR.43915
+1cc to M/S.Special Government Pleader, SR. 44048

W.P (MD) No.1028 of 2018
23.01.2018

MYR

KK/SKN RSK/SAR 2/12.02.2018/ 3P- 9C/