



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.A(MD) Nos.1302 and 1303 of 2017
and C.M.P. (MD) Nos.9025, 9026, 10038 and 10039 of 2017

The Joint Commissioner/Executive Officer,
Sri Ranganatha Swamy Temple,
Srirangam,
Thiruchirappalli - 6.

... Appellant/2nd Respondent/2nd
Respondent in both appeals

Vs.

1.S.Venkadam Pandari
2.B.Jeganatha Battar

... Respondents 1 & 2/Petitioners/
Petitioners in both appeals

3.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.

4.The Board of Trustees,
Sri Ranganatha Swamy Temple,
Srirangam,
Thiruchirappalli - 6.

5.M.Thangavel

6.Marimuthu

... Respondents 3 to 6/Respondents 1, 3 to 5/
Respondents 1, 3 to 5

COMMON PRAYER: The Writ Appeals are filed under Clause 15 of the Letters Patent against the common interlocutory order dated 14.09.2017 made in WP(MDNo.17333 of 2017 and W.M.P.(MD) Nos.13878 and 13879 of 2017 .

Prayer in WMP(MD). 13879/ 2017 :

To pass an interim direction to the respondents to conduct the Navarathri Utsavam - Vijayadasami festival on 30.09.2017 and for the subsequent years in accordance with the Sampradhaic practice , in the temple precincts, pending disposal of the petition and thereby render justice.

Prayer in WMP(MD). 13878/ 2017 :

To pass an order Staying the operation of the impugned order dated 27.03.2017 in Na.Ka.No.12472/2017 U3 on the file of the first respondent pending disposal of the petition and pass such other suitable orders thereby render justice.

Prayer in WP(MD). 17333/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari thereby calling for the records of the proceedings dated 27.03.2017 in Na.Ka.No.12472/2017 U3 on the file of the first respondent and quash the same as unconstitutional, illegal, arbitrary and without jurisdiction.

For Appellant in both the : Mr.M.Saravanan
appeals

For Respondents 1 & 2 in : Mr.H.Lakshmi Shankar
both the appeals

For 3rd Respondent in both : Mr.C.M.Marichelliah Prabhu
the appeals Additional Government Pleader

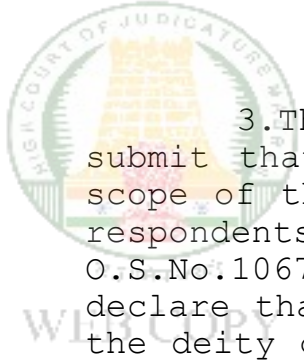
For Respondents 4 to 6 in : No appearance
both the appeals

J U D G M E N T

(Judgment of this Court was delivered by M.SATHYANARAYANAN, J.)

By consent, these Writ Appeals are taken up for final disposal.

2.Respondents 1 and 2/Writ Petitioners filed W.P.(MD) No.17333 of 2017, against the Joint Commissioner, Hindu Religious and Charitable Endowments Department, the appellant herein, the Board of Trustees of Sri Ranganatha Swamy Temple, Srirangam and also against two private respondents praying for issuance of a Writ of Certiorari to quash the proceedings of the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai dated 27.03.2017 in Na.Ka.No.12472/2017 U3, wherein permission was accorded to take the Urchavar Idol of Thiruvellarai Arulmigu Pundarikaksha Perumal Temple to Ayyampalayam Temple. The respondents 1 & 2/writ petitioners also filed W.M.P.(MD) Nos.13878 and 13879 of 2017, praying for stay of operation of the said order and also for an order of ad-interim injunction, directing the respondents therein to conduct the Navarathri Utsavam - Vijayadasami festival on 30.09.2017 and subsequent years in accordance with the sampradhaic practice, pending disposal of the Writ Petition. The learned Single Judge granted an exparte order of interim stay as well as an order of ad-interim direction to the effect that the usual performance with regard to the customary practice as well as functions, shall go on. The second respondent in the Writ Petition challenging the legality of the order came forward to file these writ appeals.



3. The learned counsel for the appellant/2nd respondent would submit that the order of ad-interim direction traverse beyond the scope of the prayer sought for in the writ petition itself and the respondents 1 and 2/writ petitioner on an earlier occasion filed O.S.No.1067 of 1995 on the file of Sub Court, Trichy praying to declare that they are the representatives of the Kaingariyamdars of the deity of Sri Pundarikaksha Perumal at Thiruvellarai Village and to further declare that the taking of the deities of the said temple to Ayyampalayam Village on Vijayadasami day during Dasara festival is in contravention of the established custom and also prayed for restraining the appellant herein, namely, the Executive Officer, Sri Ranganathaswamy Temple at Srirangam from directing the deities to be taken to Ayyampalayam on Vijayadasami day and obtained an order of interim injunction and thereafter it was transferred and renumbered as O.S.No.400 of 1996 and it was dismissed on 05.04.2004. It is the further submission of the learned counsel for the appellant that in the present writ petition, filing of the suit and withdrawal of the same has been deliberately suppressed and though in W.P.No.13242 of 1995 this Court passed order on 29.09.1995 and remanded to the matter to the Commissioner, HR & CE for fresh adjudication, the writ petitioners did not cooperate for the disposal of the same and suppressing all the material facts has filed the present writ petition and the ad-interim direction petition filed in the writ petition came to be allowed on the admission stage itself without notice to the respondents.

4. Per contra, the learned counsel appearing for the respondents 1 and 2/ writ petitioner would submit that the Commissioner H.R. & C.E. vide order dated 11.10.1996 in R.P.No.63 of 1994 has taken note of the suit filed in O.S.No.1067 of 1995 (O.S.No.400 of 1996) and also as to the subsistence of the interim order and observed that there can be no deviation in the manner of conducting the 10th day festival on Vijayadasami, other than by which it was allowed to be conducted on 04.10.1995. Thereafter, also directed to maintain the status-quo as on 04.10.1995 in conducting the 10th Day Vijayadasami festival in Arulmigu Pundarikatshaperumal temple, Tiruvellarai village, Lalgudi Taluk, Trichy District and further prayed that since writ appeals were preferred against the interim orders, the main writ petition itself can be disposed of at an early date.

5. This Court has considered the rival submissions and perused the materials available on record.

6. No doubt, the interim direction issued by the Writ Court is omnibus in nature. However, the fact remains that except on only occasion on 04.10.1995, the Urchavar Idol of Arulmigu Pundarikatshaperumal temple, Tiruvellarai village has been taken to Ayyampalayam Village, thereafter, on account of the legal proceedings and other proceedings, the said deity has not been taken to Ayyampalayam Village. Though the respective learned counsel for the parties made their submissions on the merits of the matter, this



Court is of the view that it can be adjudicated only at the time of final disposal of the writ proceedings and not in the writ appeals preferred against the interim orders in the writ appeals.

7. At this juncture, the learned counsel appearing for the appellant/2nd respondent undertakes to file counter affidavit in the writ petition. It is also brought to the notice of this Court that though the private respondents are served they did not enter appearance in the above writ petition. Hence, the Registry is directed to expedite listing of W.P.(MD) No.17333 of 2017 for final hearing.

8. The Writ Appeals stand disposed of with the above observations. Consequently, connected Miscellaneous Petitions are closed. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.

+2ccs to Mr.R.Subramanian, Advocate, SR.No.53867

+One cc to M/s.H.Lakshmi Shankar, Advocate, SR.No.53814

+One cc to The Special Government Pleader, SR.No.54103

Copy to:-

The Sub Assistant Registrar,
Judicial Section Posting,
Madurai Bench of Madras High Court, Madurai

sj

RL/7C/4P/JC/SAR1/20/3/2018

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