



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.08.2018
CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.11443 of 2016
and
W.M.P.(MD).Nos.13356 and 13639 of 2016

K.S.Jayakumar ... Petitioner
Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
HR & CE Department,
Mayiladuthurai,
Nagapattinam District.

3.The Executive Officer,
Sri Sivagurunathaswamy Temple,
Sivapuram,
Kumbakonam Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to conduct the inspection of Moolavar Lingam by Chief Stapathy and rectify the defects in the Lingam of Lord Shiva and to conduct the Kumbabishegam following by the ritual of the Balalaym functions to the Sivagurunathaswamy Temple, Sivapuram at Kumbakonam Taluk, Thanjavur District.

For Petitioner	: Mr.D.Malalichamy
For R3	: Mr.V.Chandrasekar
For R1 & R2	: Mr.A.K.Baskarapandian
	Additional Government Pleader

O R D E R

[Order of the Court was made by M.M.SUNDRESH,J.]

The writ petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 to conduct the inspection of Moolavar Lingam by Chief Stapathy and rectify the defects in the Lingam of Lord Shiva and to conduct the Kumbabishegam following by the



ritual of the Balalaym functions to the Sivagurunathaswamy Temple, Sivapuram at Kumbakonam Taluk, Thanjavur District.

2.Heard Mr.D.Malaichamy, learned counsel appearing for the petitioner, Mr.V.Chandrasekar, learned counsel appearing for the third respondent and Mr.A.K.Baskarapandian, learned Additional Government Pleader appearing for the first and second respondents.

3.The learned counsel appearing for the petitioner would submit that the said Temple was damaged by great thunder and lightening. Due to which, some fissure occurred in the tower of the Temple as well as the back side of the Moolavar Lingam. Now, a date is fixed for Kumbabishegam. Therefore, the said defects to be rectified at the earliest.

4.The learned counsel appearing for the third respondent would submit that the Commissioner of HR & CE Department has already constituted a two member Committee to go into the issue towards improvement of the Temple, including Moolavar Lingam. Unfortunately, one of the member is not in the Country and therefore, it takes some time.

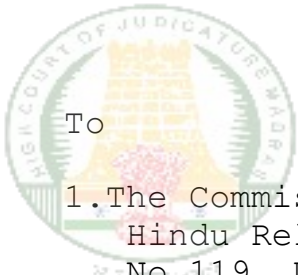
5.Considering the aforesaid submissions, we are not inclined to interfere with the Kumbabishegam proposed to be held on 23.08.2018. However, we finds some genuineness in the submission made by the learned counsel appearing for the petitioner that the writ petition is pending from 2016 and the information was furnished about the constitution of Committee to the petitioner in the year 2017. Unfortunately, no progress has been made till now. If one of the member of the Committee, which has already been constituted, is not available, the Commissioner, HR & CE Department, viz., the first respondent herein, shall re-constitute a Committee with some other member and thereafter, the said Committee shall conduct an inspection and submit a report before the first respondent within a period of three months from the date of receipt of a copy of this order. After getting report from the Committee, the respondent Nos. 1 to 3 shall take appropriate steps and do the needful within a period of four months thereafter. It is needless to say that the first respondent shall get appropriate orders from the Government as and when required.

6.With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

SD/
ASSISTANT REGISTRAR (CRL SIDE)

/TRUE COPY/

SUB ASSISTANT REGISTRAR (CS II)



To

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
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Nungambakkam,
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3.The Executive Officer,
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Sivapuram,
Kumbakonam Taluk,
Thanjavur District.

1CC TO MR. V. CHANDRASEKARAN, ADVOCATE SR 78482
1CC TO MR. D. MALAICHAMY, ADVOCATE SR 78484

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