

In the High Court of Judicature at Madras

Dated : 20.2.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Writ Appeal No.496 of 2019 & CMP.No.4339 of 2019

1.P.S.Kamalanathan

2.P.Senthilkumar

3.P.Elango

...Appellants

Vs

1.The Commissioner, Hindu Religious
& Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2.The Joint Commissioner, Hindu
Religious & Charitable Endowment
Department, Salem Division, Office
of the Joint Commissioner, Salem
District-1.

3.The Executive Officer, A/m Badra
Kaliyamm Temple, Mecheri,
Mettur Taluk, Salem District. PIN : 636453.

4.The Inspector of Police, Mecheri
Police Station, Mecheri, Salem District.

5.Mr.R.Rathinam

6.C.Rajmohan

7.Loganathan

...Respondents

APPEAL under Clause 15 of the Letters Patent against the
order dated 06.2.2019 made in W.P.No.3228 of 2018.

Writ Petition filed under Article 226 of the Constitution of
India to issue a Writ of Declaration, declare that the rights of
the petitioners as special kattalaidhars to perform the
Rathotsavam at their own costs with reference to the temple
Arulmigu Batharakaliyamm Thirukoil Mecheri Mettur Taluk Salem
District.

For Appellants : Mr.G.Sugumaran
For Respondents 1 & 2 : Mr.M.Maharajan, SGP (HR&CE)
For Respondent-3 : Mr.A.K.Sriram
For Respondent-4 : Mr.R.P.Prathap Singh, GA
For Respondent-5 : Mr.A.V.Arun
For Respondent-6 : Mr.V.Srikanth
For Respondent-7 : Mr.S.Ashok Kumar

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.G.Sugumaran, learned counsel for the appellants, Mr.M.Maharajan, learned Special Government Pleader accepting notice for respondents 1 and 2, Mr.A.K.Sriram, learned counsel accepting notice for the third respondent, Mr.R.P.Prathap Singh, learned Government Advocate accepting notice for the fourth respondent, Mr.A.V.Arun, learned counsel accepting notice for the fifth respondent, Mr.V.Srikanth, learned counsel accepting notice for the sixth respondent and Mr.S.Ashok Kumar, learned counsel accepting notice for the seventh respondent.

2. This writ appeal is directed against the order dated 06.2.2019 passed by the learned Single Judge in W.P.No.3228 of 2018.

3. The appellants herein filed the said writ petition seeking to declare the rights of the petitioners as special kattalaidhars to perform the Rathothsavam at their own costs with reference to the temple Arulmigu Batharakaliamman Thirukoil, Mecheri, Mettur Taluk, Salem District.

4. The said writ petition was initially disposed of by order dated 14.2.2018 with certain observations. However, the appellants/writ petitioners filed W.A.No.628 of 2018. However, a Division Bench of this Court, by judgment dated 20.7.2018, set aside the order in the said writ petition. The Division Bench pointed out in the other connected appeal, which was disposed of on the even date that from the order passed by the learned Single Judge, it was seen that the appellants were not served with notice in the other connected writ petition filed by the sixth respondent herein and that the same came to be disposed of in their absence. Therefore, the matters were sent back for being heard afresh.

5. When the present writ petition was taken up for fresh hearing, the learned Senior Counsel, who appeared for the appellants, submitted that the appellants might be granted

liberty to work out their rights before the Joint Commissioner concerned in the pending litigation in O.A.No.15 of 2018. Accordingly, the present writ petition was disposed of fixing a time frame, within which, the Joint Commissioner concluded the proceedings and directed the official respondents to conduct Rathotsavam while permitting the appellants as well as the private respondents only to participate in the festival. It was also specifically directed that no horse riding should be conducted. Now, the appellants are before us by contending that they should be permitted to conduct horse riding.

6. The learned Special Government Pleader appearing for respondents 1 and 2 submits that there are serious issues with regard to law and order in conducting horse riding and before the learned Single Judge, the appellants, through their counsel, agreed that they would work out their remedies before the Joint Commissioner in the pending O.A.No.15 of 2018.

7. Mr.A.K.Sriram, learned counsel appearing for the third respondent points out that the relief sought for before the Joint Commissioner, HR & CE, Salem in O.A.No.15 of 2018 pertains to not only Rathotsavam, but also horse riding.

8. This submission is not refuted by the learned counsel for the appellants. In such view of the matter, the appellants have not made out any case to interfere with the order passed by the learned Single Judge.

9. Accordingly, the above writ appeal is dismissed. No costs. Consequently, the connected CMP is also dismissed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

To

1.The Commissioner, HR&CE Department, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2.The Joint Commissioner, HR & CE Department, Salem Division,
O/o the Joint Commissioner, Salem District-1.

3.The Executive Officer, A/m Badra Kaliyamman Temple, Mecheri,
Mettur
Taluk, Salem District. PIN : 636453.

4.The Inspector of Police, Mecheri Police Station, Mecheri,
Salem District.

+lcc to Mr.S.Ashok Kumar, Advocate Sr.15702
+lcc to M.rG.Sugumaran, Advocate Sr.15802
+lcc to Mr.V.Srikanth, Advocate Sr.15836
+lcc to Mr.A.V.Arun, Advocate Sr.15328
+lcc to the Government Pleader Sr.16801

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CMP.No.4339 of 2019

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