

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.6264 of 2019

Sri Thiruvengambam Shivalaya Arakattalai,
Represented by its Managing Trustee,
Panneerselvam

... Petitioner

-Vs-

1. The Inspector General of Police,
Idol Theft Wing CID Old Sipcot Building,
Industrial Estate, Guindy,
Chennai - 600 032.
2. The Commissioner,
Hindu Religious and Charitable Endowments (HR & CE)
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
3. The Deputy Commissioner,
Hindu Religious and Charitable Endowments (HR & CE),
Vellore.
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments (HR & CE),
Kancheepuram.
5. The Executive Officer,
Arulmigu Egambaranathar Thirukoil,
Kancheepuram 631 502.

... 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 2 to 4 to conduct the forth coming Festival in the Month of Panguni in the Arulmigu Egambaranathar Thirukoil, Kanchipuram by using the URCHAVAR Idol available in the temple which is administered by the respondents 2 to 5.

For Petitioner : Mr.K.G.Senthil Kumar

For R1 : Mr.S.Thangira Additional
Public Prosecutor

For R2 to R4 : Mr.M.Maharaja
Special Government Pleader(HR &CE)

For R5 : Mr.Arulpazhamnee

O R D E R

(Order of the Court was made by R.MAHADEVAN, J)

The Writ Petition has been filed for a Writ of Mandamus, to direct the respondents 2 to 4 to conduct the forth coming Festival in the Month of Panguni in the Arulmigu Egambaranathar Thirukoil, Kanchipuram by using the URCHAVAR Idol available in the temple which is administered by the respondents 2 to 5.

2.Heard the submissions made on either side.

3. The case of the petitioner is that the petitioner Arakattalai is a registered Trust (registration No.3/2014, dated 18/2/2014, hereinafter referred to as 'the Trust') and right from the creation of the Trust, the Temple car festival of the said temple was conducted by the Trust without any complaints till date. When that being so, the deity (URCHAVAR) was replaced with an idol made up of Gold. However, on complaint with regard to the purity of gold used for the newly made gold Urchavar Idol, the first respondent has taken action and the new Urchavar idol was seized and as of now, the same is in custody on the file of the Kumbakonam Court dealing with idol theft cases. The learned counsel further submitted that the Brhamorchavam festival conducted in the temple is one among the most celebrated festival and the same will have to be conducted during the month of March (Panguni) from 10.03.2019 to next 15 days. Moreover, on the day of Panguni Uthiram, marriage ceremony of Sri Arulmigu Egambaranathar and Yelavaarkuzhali Amman will be performed. Since the Urchavar idol was taken up in connection with the investigation, the petitioner trust has given several representations to the respondents for the conduct of festival using the available old idol in the temple, but, till date, the respondents have not taken any steps or passed any orders. Therefore, the petitioner is before this Court with the present writ petition seeking the aforesaid reliefs.

4. When the Writ Petition was taken up for hearing, the learned counsel appearing for the petitioner submitted that

after due deliberation, it is agreed by all concerned that the festival is to be conducted with the old idol available in the temple, under the care and supervision of the respondents 1, 4 and 5. The learned counsel also submitted that they will also abide by the conditions imposed by the respondents. Such submission is agreeable for the respective counsel for the respondents.

5. In view of the submission so made, recording the same, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(I Cell)

//True Copy//

Sub Assistant Registrar

vsd

To

1. The Inspector General of Police,
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Kancheepuram.
5. The Executive Officer,
Arulmigu Egambaranathar Thirukoil,
Kancheepuram 631 502.
6. The Public Prosecutor,
High Court, Madras

+1cc to Mr.K.G.Senthil Kumar, Advocate, S.R.No.23071

+1cc to Mr.Arulpazhamnee, Advocate, S.R.No.23702

+1cc to the Government Pleader, S.R.No.23283

W.P.No.6264 of 2019

BR(CO)

CS/24/04/2019