

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.05.2019

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.12418 of 2019

and

W.M.P.Nos.12710 & 12711 of 2019

1.V.Selvam
2.K.Rajasekaran
3.S.Baskar

...Petitioners

Vs

1.The Commissioner,
HR & CE, Uthamar Gandhi Salai,
Thousand Light West,
Nungambakkam,
Chennai - 600034.
2.Joint Commissioner,
HR & CE,
Kottaimariamman Kovil Compound,
Bazaar Street,
Salem - 636001.
3.Sri Ramalinga Chowdeswari Amman Thirukovil,
Arisipalayam, Rep. by its Administrator,
Saminathapuram.

4.V.Veeramani
5.K.Jayagopal
6.K.Jayapal
7.K.S.Balraj
8.G.Maheswaran

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus, directing the 1st and 2nd respondent to convene a meeting among the traditional families and appoint trustees as per the scheme dated 31.08.1976 based on the petitioner's representation along with the public dated 08.03.2019.

For petitioners : Mr.MA.Gouthaman

For respondents : Mr.M.Maharaja, Spl.GP (HR&CE)
for R1 & R2
Mr.N.Jaikumar
for R4 to R8
R3 - Not ready in notice

ORDER

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the 1st and 2nd respondent to convene a meeting among the traditional families and appoint trustees as per the scheme dated 31.08.1976 based on the petitioner's representation along with the public dated 08.03.2019.

2. By consent of both parties, the writ petition itself is taken up for hearing and the following order is passed.

3. The fourth respondent has filed a counter. According to the petitioner, the term of the office of the trusteeship has been completed as early as on 01.06.2018. Thereafter, there was no election in the manner as prescribed in the scheme. While, that being so, the private respondents 4 to 8 are carrying on Kumbhabesekam activities and hence, they want the injunction. After hearing the learned counsel for the parties, the Special Government Pleader for HR & CE Department was addressed to ascertain the factual position from the Local Authorities. It is understood that the term of office of 4th to 8th respondents, which commenced on 30.05.2015 has completed on 31.05.2018 and there was no election, thereafter in the prescribed format.

4. At this juncture, the learned counsel for the respondents 4 to 8 submit that he has relied upon the averments made in the counter affidavit dated 15.05.2019. Election has been conducted and private respondents were elected and resolution has been passed and forwarded to the HR & CE Department. However, thereafter, there was no reply from the Department. The said averment of the 4th respondent remained in the counter statement.

5. Now, taking into consideration that Peruvizha performance of the temple has already been completed, as could be seen from the photographs filed in the typed set, the Special Government Pleader could submit that the entire performance of the festival can be done by the HR & CE Department and also relied upon the communication sent by the Joint Commissioner,

Salem, to the Assistant Commissioner, Salem dated 20.02.2019 as to how the "Bimba Palayam" should be done and the same has to be done from the contribution of the devotees.

6. In view of the narrow compass that the performance of the Maha Kumbhabishekam is of paramount importance, without going into the rival statements and rival claims in respect of the completion of Maha Kumbhabishekam and also connected festival thereon, in the interest of justice, I may be inclined to direct the following direction namely that the undertaking given by the Special Government Pleader, HR & CE that the temple festival namely Maha Kumbhabisekam and connected festival will be conducted by the HR & CE with full cooperation of the rival parties and performance could be conducted by Agama Shastra Rules and both the parties should extend cooperation in completion of the same.

7. The above order shall not be construed to decide the rival claims and it is open to the respondent parties to agitate their claims and this order is only passed keeping in mind that the Maha Kumbhabisekham of the temple has to be conducted in smooth manner.

8. To that limited extent, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(VO)

//True copy//

Sub Assistant Registrar

mrm/hvk

To

1.The Commissioner,
HR & CE, Uthamar Gandhi Salai,
Thousand Light West,
Nungambakkam,
Chennai - 600034.

2.Joint Commissioner,
HR & CE,
Kottaimariamman Kovil Compound,
Bazaar Street,
Salem - 636001.

3.The Assistant Commissioner of HR & CE, Salem

+1cc to Mr.N.Jaikumar, Advocate SR.No.44226

+1cc to Mr.MA.Gouthaman, Advocate SR.No.44212

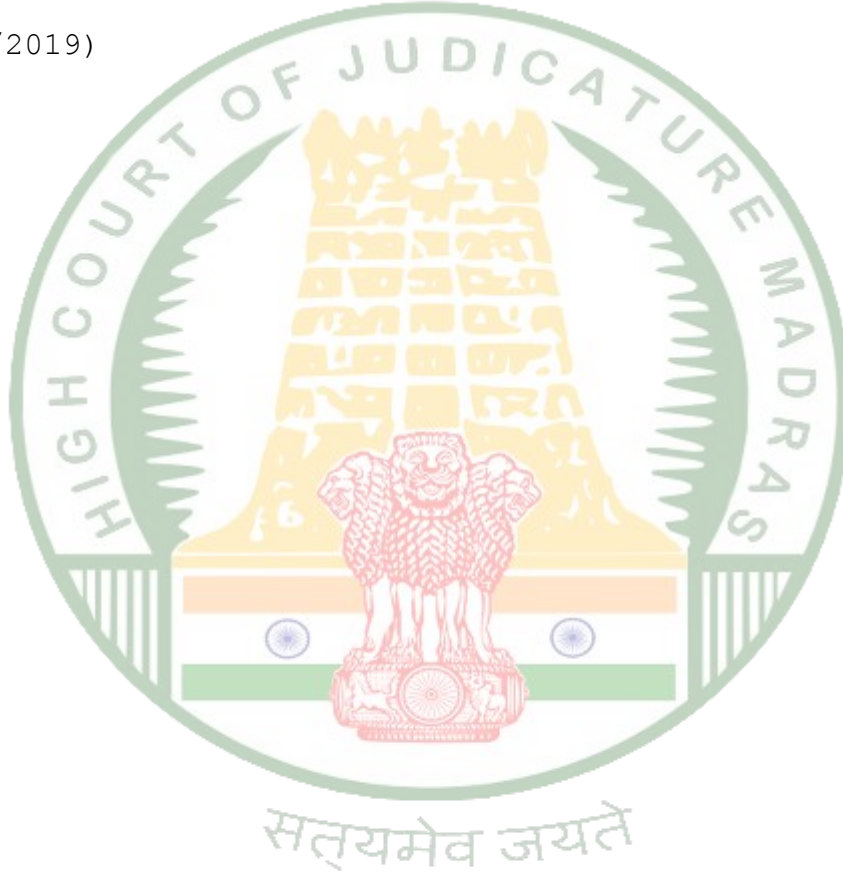
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and

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BS (CO)

GMV (28/05/2019)



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