

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.05.2019

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.14732 of 2019
and W.M.P.No. 14719 of 2019

S.Venugopal

...Petitioner

Vs

1. The Joint Commissioner,
Hindu Religious and Charitable,
Endowments Department,
Villupuram.

2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Villupuram.

3. The Inspector of Police,
Kedar Police Station,
Kedar, Villupuram District.

4. Annamalai

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus, directing the respondents 1 to 3 to prevent any unauthorized and illegal Temple functions to be held from 24.05.2019 to 08.06.2019 purportedly in the name of the HR & CE Department in Arulmigu Drowpathi Amman Temple, Kundalapuliyur Village, Vikravandi Taluk, Villupuram District.

For petitioner : Mr.N.Suresh

For respondents : Mr.M.Maharaja,
Special Government Pleader
HR & CE (for R1 & R2)
Mr.A.Thambidurai (for R.3)
Special Government Pleader
Mr.M.Selvam (for R.4)

ORDER

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to prevent any unauthorized and illegal Temple functions to be held from 24.05.2019 to 08.06.2019 purportedly in the name of the HR & CE Department in Arulmigu Drowpathi Amman Temple, Kundalapuliyur Village, Vikravandi Taluk, Villupuram District.

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

3. This writ petition is filed by one S.Venugopal proclaiming himself as hereditary trustee of the temple and wanted to stall the festival of the temple and filed the writ petition. The fourth respondent/Annamalai was represented by M.Selvam and respondents 1 & 2 are represented by M.Maharaja, Special Government Pleader and third respondent was represented by Mr.A.Thambidurai.

4. After hearing both the parties and after taking note of the civil proceedings pending in O.S.Nos.362 of 2017 and O.S.No.19 of 2018, this Court in C.R.P.Nos.427 and 428 of 2018 dated 02.02.2018 passed the following consent order:

"2. By consent of both parties, this Court is inclined to pass the following order:

(i) The Joint Commissioner, H.R. & C.E. Department will decide the date of performing Kumbabishegam at Thirowbathi Amman & Dharmarajar Temple, Kumdapuliyur Village, Villupuram after consulting the Agama experts either on 05.02.2018 to 08.02.2018 or subsequent dates.

(ii) The Kumbabishegam function shall be conducted under the supervision of the Joint Commissioner, H.R. & C.E. Department along with the revenue and police officials.

(iii) Both the parties undertakes that they will cooperate for the performance of the Kumbabishegam in the aforesaid temple on the date as fixed by the Joint Commissioner, H.R. & C.E. Department.

(iv) The respondents have no objection for the petitioners to participate in the Kumbabishegam function and to install the idols in the said temple.

(v) Respondents have no objection to honour the petitioner as per customary right on the Kumbabishegam day.

(vi) The Joint Commissioner, H.R. & C.E. Department is permitted to seek police protection if necessary, to conduct the function peacefully. The Joint Commissioner is permitted to take appropriate action against the concerned parties if necessary, if any violation of the order.

(vii) The expenditure incurred for conducting the Kumbabishegam function will be borne by both parties.

(viii) Counsel for the petitioner filed an undertaking affidavit by stating that they agree for any date for Kumbabishegam that will be fixed by the Joint Commissioner, H.R. & C.E. Department.

(ix) To that effect, the respondents undertakes to file an affidavit before this Court.

The Civil revision petition is disposed of with the above directions. No Costs. Connected miscellaneous petition is closed."

5. It remains to be stated that the petitioner herein is the first petitioner in the said order passed in Civil Revision Petition and accordingly, I have no hesitation to state that the same is binding upon him. Any order standing abide, will attract the contempt of the Court. The Special Government Pleader appearing for first and second respondents submitted that the Joint Commissioner of HR & CE has inclined to conduct the festival of the temple namely Arulmigu Drowpathy Amman Temple in Villupuram in a smooth manner and since all the conditions have already been stated by Hon'ble Mr. Justice D. Krishna Kumar in C.R.P.No.427 & 428 of 2018 dated 02.02.2018 as extracted above and in view of the stand given by the Special Government Pleader, HR & CE that they shall conduct the festival as per the schedule to be prescribed by the Joint Commissioner, HR & CE and the third respondent Inspector of Police, Kedar Police Station is directed to extend all necessary assistance for maintenance of the law and order. Both the petitioner group as well as the fourth respondent group has to cooperate with the HR & CE Department and any deviation will be viewed seriously.

6. With these observations and recording the undertaking of the Special Government Pleader that the festival of the temple shall be conducted on behalf of the

HR & CE and not on behalf of any individual, this writ petition is disposed of. No Costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Vacation officer

//True Copy//

Sub Assistant Registrar

mrm/hvk
To

1. The Joint Commissioner,
Hindu Religious and Charitable,
Endowments Department,
Villupuram.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Villupuram.
3. The Inspector of Police,
Kedar Police Station,
Kedar, Villupuram District.

+1cc to Mr.N.Suresh , Advocate SR.No. 44211
+1cc to Mr.M.Selvam , Advocate SR.No. 44228

W.P.No.14732 of 2019
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A.SK(27/05/2019)

सत्यमेव जयते

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