

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.40412 of 2016
& WMP No.34478 of 2016

S.Vasudevan,
S/o.Shanmugam,
Secretary : Balelaru Vangusam Committee,
Plot No.1 Arunai Nagar,
Seelanaickenpatty,
Salem-636 201. ... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Tourism, Culture and Charitable Endowment
Department, Fort St. George,
Chennai-600 009.
2. The Commissioner,
Hindu Religious & Charitable Endowment
Department,
Nungambakkam,
Chennai-600 034.
3. The Joint Commissioner,
Hindu Religious & Charitable Endowment
Department, Salem.
4. The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Department, Salem District,
Salem.
5. R.Moulishankar,
Hereditary Trustee,
Veerapathiraswamy alias
Veereswara Swamy Temple,
Amarakunthi Village,
Omalur Taluk, Salem District.

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6. M.Amirthalingam, S/o. Malla Iyer
Hereditary Trustee,
Veerapathiraswamy alias
Veereswara Swamy Temple,
Amarakunthi Village,
Omalur Taluk, Salem District.

7. B.V.B.Madhavaraj @ .. Respondents
@ R7 impleaded vide order dated 08.04.2019
made in WMP No.5708/2019 in WP No.40412/16

* * *

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order of the first respondent dated 28.06.2016 in G.O.(Ms.) No.207, Tourism, Culture and Charitable Endowment (A.Ni.5-2) Department, confirming the order of the second respondent dated 11.04.2014 in R.P.No.77/2013/D2, the order of the third respondent dated 17.02.2013 made in Rc.No.1085/2013, and the order of the fourth respondent dated 29.01.2013 in Na.Ka.No.4563/2012/E1, and quash the same and consequently direct the respondents 1 to 4 to grant necessary permission to the petitioner community to conduct the "60 Koodi Kumbidum Vizha" at Arulmighu Veerapathiraswamy Temple alias Veereswaraswamy Temple at Amaragunthi Village, Omalur Taluk, Salem District.

* * *

For Petitioner : Mr.V.Sairam
for M/s.Elumalai

For Respondents: Mr.M.Maharaja,
Special Govt. Pleader (HR & CE)
for RR 1 to 4

Mr.R.Babu for RR 5 & 6

Mr.R.Kumarasamy
for Mr.B.Vijayakumar for R7

ORDER

The prayer of the petitioner is to quash the order of the first respondent dated 28.06.2016 in G.O.(Ms.)No.207, Tourism, Culture and Charitable Endowment (A.Ni.5-2) Department, confirming the order of the second respondent dated 11.04.2014 in R.P.No.77/2013/D2, the order of the third respondent dated 17.02.2013 made in Rc.No.1085/2013, and the order of the fourth respondent dated 29.01.2013 in Na.Ka.No.4563/2012/E1, and to direct the respondents 1 to 4 to grant necessary permission to

the petitioner community to conduct the "60 Koodi Kumbidum Vizha" at Arulmighu Veerapathiraswamy Temple alias Veereswaraswamy Temple at Amaragunthi Village, Omalur Taluk, Salem District.

2. The dispute between the petitioner and respondents 5 to 7 is with respect to conducting the "60 Koodi Kumbidum Vizha" at Arulmighu Veerapathiraswamy Temple alias Veereswaraswamy Temple at Amaragunthi Village, Omalur Taluk, Salem District.

3. After hearing the parties for sometime, without going into the merits of the matter, the following arrangement was agreed with by both the parties :

- (i).The petitioner, who is known as Balelaru Vangusam Committee, is permitted to perform the aforementioned "60 Koodi Kumbidum Vizha" outside the temple, which is also permitted by the first respondent in the impugned order. The respondents 5 to 7 have no objection for the same.
- (ii).After performing the "60 Koodi Kumbidum Vizha", which is conducted outside the temple, the petitioner Balelaru Vangusam Committee is permitted to perform Abishegam and offerings to the main deity inside the temple on the same day.
- (iii).The third respondent is directed to fix the date, on which the said Vizha could be conducted and ensure that the date fixed should not overlap with the date proposed by the private respondents.
- (iv).The third respondent is also directed to ensure the maintenance of peace inside and outside the temple premises during the performance of the Vizha as well as Abishegam, with the assistance of the jurisdictional police.
- (v).The respondents 5 to 7 are directed to extend their cooperation for conducting the Vizha and the Abishegam.
- (vi).The parties shall appear before the third respondent for all the hearings and extend their co-operation in this regard.
- (vii).The above arrangement shall continue for the future also, till a decision is taken finally under Section 63 of the Hindu Religious and Charitable Endowments Act, 1951.

4. With the above directions, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.34478 of 2016 is closed.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

To

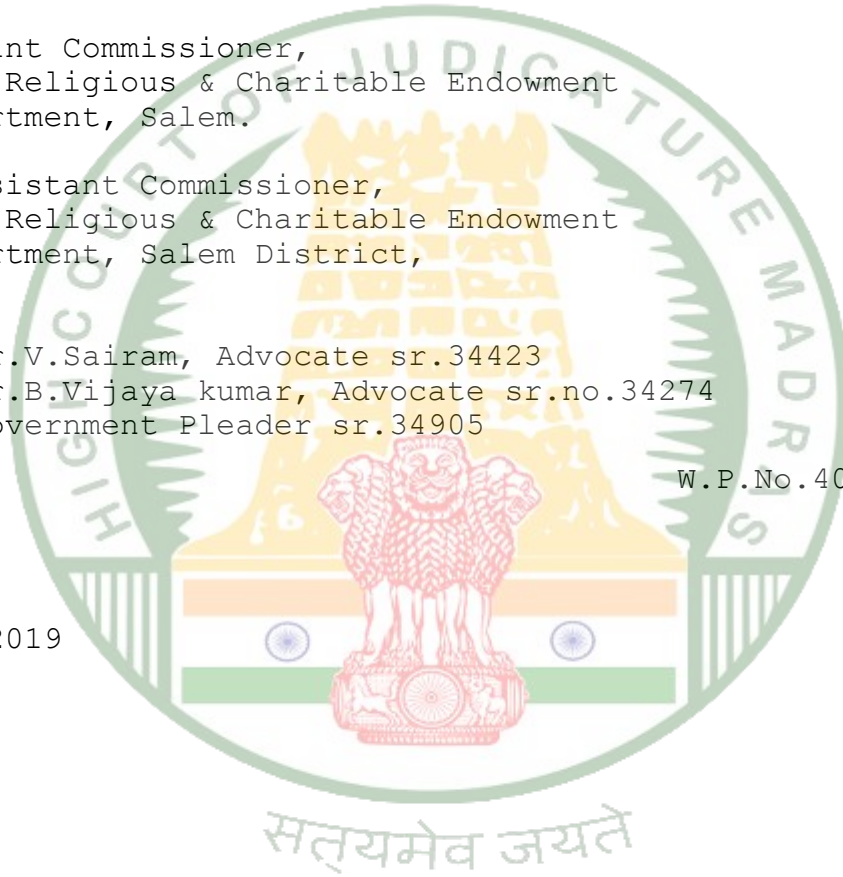
1. The Principal Secretary,
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4. The Assistant Commissioner,
Hindu Religious & Charitable Endowment
Department, Salem District,
Salem.

+1cc to Mr.V.Sairam, Advocate sr.34423
+1cc to Mr.B.Vijaya kumar, Advocate sr.no.34274
+1cc to Government Pleader sr.34905

W.P.No.40412 of 2016

vba (co)

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