



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 7715 of 2018

and

W.M.P. (MD) Nos. 7331 and 7332 of 2018

S. Marimuthu

... Petitioner

Vs

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Trichy.

2. The Executive Officer,
Arulmigu Muthumariamman Thirukoil,
R. Balakurichi, Ponnamaravathi Taluk,
Pudukottai District.

3. The Inspector of Police,
Ulagampatti Police Station,
Sivagangai.

4. V. Rajendran

5. A. Krishnan @ Muthukrishnan

6. N. Ramakrishnan @ Kittu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order dated 28.3.2018 passed by the 1st respondent in Na.ka.No.2747/2018/A2 and quash the same as illegal and directing the respondents 1 to 3 to permit the petitioner to perform the Mandagapadi and getting honour like as Kathi Eduthu Koduppathu, Malai Mariyadhai, Viboothi Mariyadhai, Kaalanji Mariyadhai at the time of Panguni Festival to be celebrated in the temple of Arulmigu Muthumariamman Thirukkoil along with Iyyanar Temple, Veerappa Kovil - Oorakavalan @ Periyakaruppar Koil situated at R. Balakkurichi, Ponnamaravathi Taluk, Pudukottai District for each and every year.

For Petitioner : Mr. K. Sureshkumar

For Respondents : Mr. M. Karuppasamy

Government Advocate for R1 to R3

: Mr. K. Balasundram for R4

**ORDER**

Heard the learned counsel on either side.

2. The writ petition relates to conferring of first honour in the first Panguni festival of Arulmigu Muthumariamman Thirukovil, R. Balakkurichi, Ponnamaravathi Taluk, Pudukottai District.

3. It appears that the writ petitioner herein was earlier given the said honour. But then the same has been opposed by the private respondents herein. The private respondents herein has filed O.A.No.22 of 2016 before the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Tiruchirapalli. In the meanwhile, the first respondent herein has passed the impugned order dated 28.03.2018 suspending the practice on conferring the first honour till the disposal of the Original Application. This order is challenged in this writ petition.

4. When the private respondents herein have filed O.A.No.22 of 2018 before the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Tiruchirapalli under Section 63(e) of the Tamilnadu Hindu Religious and Charitable Endowment Act it is only in those proceedings an order with regard to the conduct of the event till the disposal could have been passed. The order impugned in this writ petition is not an order that was passed in the Original Application. On this sole ground, the impugned order in this writ petition is quashed. Even at the very commencement of his submission, the petitioner's counsel made it clear that he is not pressing the prayer for police protection.

5. The writ petition is partly allowed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(P&A)

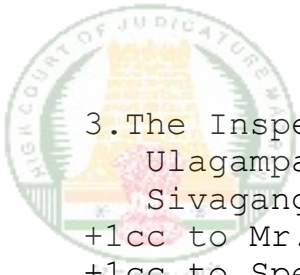
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Sub Assistant Registrar(CS-)

To:

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Trichy.

2. The executive Officer,
Arulmigu Muthumariamman Thirukoil,
R. Balakurichi, Ponnamaravathi Taluk,
Pudukottai District.



3.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai.

+1cc to Mr.K.Sureshkumar, Advocate, SR.No.59656

+1cc to Special Government Pleader, SR.No.59652

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SP/09.03.2019/3P/6C