



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM

THE HON'BLE Mr. JUSTICE G.R. SWAMINATHAN
W.P. (MD) No. 6242 of 2019

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J. Arun

... Petitioner

-vs-

1. The State of Tamil nadu,
Represented by the Secretary to Government,
Department of Hindu Religious and
Charitable Endowment, Fort St. George,
Secretariat, Chennai-9.
2. The Commissioner,
Department of Hindu Religious and
Charitable Endowment,
No. 119, Nungampakkam High Road, Chennai-34.
3. The Joint Commissioner,
Department of Hindu Religious
and Charitable Endowment
Near Palay Bus Stand,
Thiruvananthapuram Road,
Palayamkottai, Tirunelveli District.
4. The District Collector,
Collectorate, Thoothukudi District.
5. The Superintendent of Police,
O/o. the Superintendent of Police, Thoothukudi District.
6. S. Thottian
7. Uthira Isakki
8. The Inspector of Police,
Eral Police Station.
9. The Fit Person,
Sree Manimuthumalaiamman Temple,
Mangottapuram, Eral Taluk, Thoothukudi District.

... Respondents

(Respondent No. 8 suo motu impleaded vide
order of this Court dated 18.03.2019 and
Respondent No. 9 suo motu impleaded as
per the order of this Court dated 30.04.2019)



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondent Nos.1 to 3 to seize the Temple key namely Sree Manimuthumalaiamman Temple situated at Mangottapuram, Eral Taluk, Thoothukudi District, from the Respondent Nos.6 and 7 and permit the Petitioner and his clan members to enter into the temple and offering prayer by considering the representation dated 20.02.2019 within the time stipulated by this Hon'ble Court.

For Petitioner	: Mr.I.Pinaygash
For R-1 to R-5, & R-8	: Mr.M.Murugan Government Advocate
For R-6 & R-7	: Mr.A.D.Ganesh Moorthi
For R-9	: Mr.Muthugeethaiyan

O R D E R

Heard the learned counsel on either side.

2. By consent of both parties, the main Writ Petition is taken up for final disposal.

3. The Fit Person, Sree Manimuthumalaiamman Temple, Mangottapuram Village, Eral Taluk, Thoothukudi District, is *suo motu* impleaded as the ninth respondent.

4. Mr.Muthugeethaiyan, learned counsel, takes notice for the impleading ninth respondent.

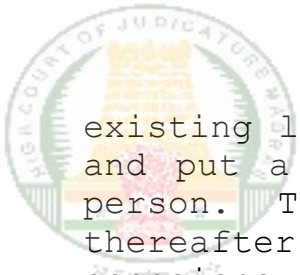
5. It appears that there are some disputes with regard to the affairs of the petition mentioned Temple. Therefore, the Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Tuticorin, has appointed the ninth respondent as the fit person vide proceedings dated 12.04.2019. The Temple is presently closed.

6. According to the petitioner, the Temple key is with the seventh respondent. But the seventh respondent is taking a stand that the Temple key is with the Poojari by name Chokkalingam.

7. It is not in dispute that the Temple key is with the fit person viz., the ninth respondent herein.

8. The learned counsel appearing for the ninth respondent would submit that even though the ninth respondent approached the seventh respondent nothing fruitful came out.

9. The petitioner only wants to worship in the Temple during the regular hours. He is not making any other claim in this writ petition. Therefore, since the fit person has already been appointed, this Court directs the fit person to break the



existing lock of the Temple with the aid of the eighth respondent and put a fresh lock and the key will remain only with the fit person. The fit person will ascertain the customary practices and thereafter, ensure that the Temple is kept open on those occasions.

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10. The Writ Petition stands allowed accordingly. Since the Temple in question is a public temple, the petitioner and his clan members are entitled to offer their worship there. No costs.

Sd/-

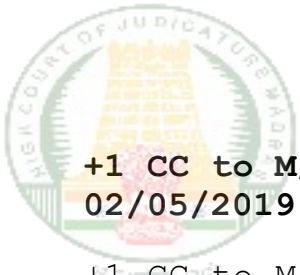
Assistant Registrar ()

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Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
the State of Tamil nadu,
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Secretariat, Chennai-9.
2. The Commissioner,
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5. The Superintendent of Police,
O/o. the Superintendent of Police, Thoothukudi District.
6. The Inspector of Police,
Eral Police Station.



+1 CC to M/s.I.PINAYGASH, Advocate (SR-64731[F] dated 02/05/2019)

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-64744[F] dated 02/05/2019)

+1 CC to M/s.SPL GP (SR-65227[F] dated 03/05/2019)

tsg

W.P. (MD) No.6242 of 2019
30.04.2019

KM/ (22.05.2019) 4P 10C