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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.7341 of 2019

Kalaimani

... Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nugambakkam,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Myaladuthurai, Thanjavur.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Kumbakonam, Thanjavur District.
- 4.The Executive Officer,
Sri Selva Mahakaliambal Kovil,
Udaiyalur, Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus by directing the respondents to permit the petitioner and his village people to participate in the "Munnottam, Pinnottam" event which will be held on 04.04.2019 based on representation dated 25.03.2019.

For Petitioner : Mr.S.Chellapandian
For Respondents 1 to 3 : Mr.K.Mu.Muthu
Additional Government Pleader
For 4th Respondent : Mr.Chandrasekar

ORDER

Heard the learned counsel on either side. By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

2.The writ petitioner belongs to Udaiyalur Village, Kumbakonam Taluk. The petitioner and his fellow community members wanted to participate in the petition mentioned temple event. He alleged that they are being prevented and that this amounts to practice of



untouchability.

3.The matter is taken up for hearing today and the learned standing counsel representing the fourth respondent submitted that there is absolutely no practice of untouchability and that the petitioner and his fellow community members are very much entitled to participate in the festival and the learned standing counsel would point out that only issue / relief sought for is the right to carry the Chepparam and nothing else.

4.The learned counsel for the petitioner would claim that the petitioner and his community people have also been carrying the Chepparam on the earlier occasions. But this statement is refuted by the counsel for the fourth respondent. I am afraid that this Court cannot give any finding on this factual controversy. It is the Jurisdictional Joint Commissioner who can decide in terms of Section 63 of Tamil Nadu Hindu Religious and Charitable endowments Act 1959.

5.The learned counsel appearing for the petitioner states that they would file an appropriate petition before the said authority within a period of four weeks and as and when such an application is filed, the second respondent herein is directed to number the same and disposed of it on merits and in accordance with law within a period of six months from the date of receipt of a copy of the said petition. As far as the current year is concerned the fourth respondent will ensure that the petitioner and his fellow community members are allowed to participate in the festival and worship the Deity. This Court only hopes that the devotees would mingle with one another and temple festival itself celebrated in a smooth manner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CO)

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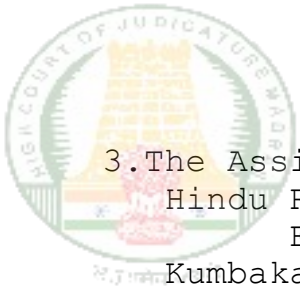
Sub Assistant Registrar (CS)

vsg

To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nugambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Myaladuthurai, Thanjavur.



3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Kumbakaonam, Thanjavur District.

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+1CC TO MR.V.CHANDRASEKAR, Advocate Sr. No.57848
+1CC TO MR.S.CHELLAPANDIAN, Advocate Sr. No.57792
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 57721

W.P.(MD)No.7341 of 2019

TR (24.04.2019) 3P 7C