



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

WEB COPY

W.P. (MD)No.20534 of 2019

V.Chinnakannu

: Petitioner

Vs.

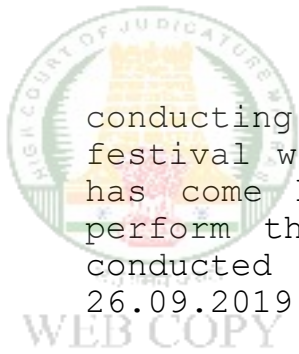
- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department, Trichy.
 - 2.The Joint Commissioner/Executive Officer,
Arulmighu Kalyana Venkataramana Swamy Temple,
Thanthonimalai,
Karur.
 - 3.Venkatachalam
 - 4.Radhakrishnan
 - 5.Ramalingam
- : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to permit the writ petitioner to continue to perform the 1st Day Mandagapadi and Garuda Seva of Brahmotsavam Festival conducted in the Tamil Month Purattasi at Arulmigu Kalyana Venkataramana Swamy Temple, Thanthonimalai, Karur, schedule to be held on 26.09.2019 and in future, within the time stipulated by this Court.

For Petitioner	: Mr.S.Prasanth
For Respondent No.1	: Mr.VR.Shanmuganathan, Special Government Pleader
For Respondent No.2	: Mr.P.Athimoolapandian
For Respondents 3to5	: Mr.V.Meenakshi Sundaram, For Mr.I.Velpradeep

ORDER

The petitioner belongs to Vellaiappa Gounder Vaigaiyara of P.Vellalapatti family. Vellaiappa Gounder Vaigaiyara are the Mandagapaditharars of Garuda Vaganam in Purattasi Festival conducted in Arulmigu Kalyana Venkataramana Swamy Temple, under the control of Hindu Religious and Charitable Endowments Department. The petitioner on behalf of Vellaiappa Gounder Vaigaiyara, all along, paid the contribution and was conducting the Mandagapadi. It appears that recently, there were certain differences within the family of Vellaiappa Gounder Vaigaiyara in claiming exclusive right over



conducting the festival. Since there was some apprehension that the festival will be stalled by the respondents 3 to 5, the petitioner has come before the Court seeking a direction to permit him to perform the Mandagapadi and Garuda Seva of Brahmotsavam Festival conducted in the above said Temple. The festival is scheduled on 26.09.2019 i.e., tomorrow.

2. The learned counsel appearing for the private respondents would contend that the Mandagapadi is done on behalf of Vellaiappa Gounder Vaigaiyara, which includes the private respondents also. According to the learned counsel, the petitioner cannot claim an exclusive right.

3. Admittedly, the receipts issued by the second respondent stand in the name of Vellaiappa Gounder Vaigaiyara and not in the exclusive name of the petitioner. It is also submitted by the petitioner that all the family members can participate in the function and worship the God and he is not standing anyway against the family members. Since the factual dispute as to the rights of the parties is sub-judice before the Civil Court, this Court is not inclined to observe anything on merits.

4. Considering the factual circumstances, the petitioner, being one of the representatives of Vellaiappa Gounder Vaigaiyara, is permitted to carry on the Mandagapadi and Garuda Seva of Brahmotsavam Festival conducted in Arulmigu Kalyana Venkataramana Swamy Temple, Thanthondrimalai, Karur. It is also made clear that this order will not confer any exclusive right over the petitioner and it is subject to the result of the civil suit.

5. Accordingly, the Writ Petition is disposed of with an observation, permitting the petitioner to carry on the festival tomorrow i.e., on 26.09.2019. The official respondents are directed to receive the money on behalf of Vellaiappa Gounder Vaigaiyara and issue a receipt to the petitioner. No costs.

Sd/-
Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
Trichy.



+1 CC to M/s.S.PRASANTH, Advocate (SR-89275[F] dated 25/09/2019)

+1 CC to M/s.I.VELPRADEEP, Advocate (SR-89259[F] dated 25/09/2019)

WEB COPY

Order made in
W.P. (MD) No.20534 of 2019
Dated: 25.09.2019

sml

JM/25.09.2019/3P/4C