

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.3288 of 2020

Ingur Grama Nattu Goundargal Madam Trust,
Represented by President Mrs.D.Shanthi,
No.5, Pidari Amman Koil Street,
Chennimalai Taluk, Erode District.

.. Petitioner

..Vs..

1.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Coimbatore.

2.The Executive Officer,
A/m, Subramania Swamy Thirukoil,
Chennimalai Taluk, Erode.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to permit the petitioner to perform the Mandapa Kattalai during the Thai Possam festival-2020 of a/m. Subramania Swamy Temple, Chennimalai/second respondent herein at Ingur Grama Nattu Goundargal Madam, Chennimalai Taluk, Erode District in terms of petitioner's representation dated 28.01.2020.

For Petitioner : Mr.V.Srikanth

For Respondents : Mr.M.Karthikeyan
Special Government Pleader

O R D E R

Mr.M.Karthikeyan, learned Special Government Pleader (HR & CE) takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the second respondent to permit the petitioner to perform the Mandapa Kattalai during the Thai Possam festival-2020 of A/m. Subramania Swamy Temple,

Chennimalai/second respondent herein at Ingur Grama Nattu Goundargal Madam, Chennimalai Taluk, Erode District in terms of petitioner's representation dated 28.01.2020.

3. In the affidavit filed in support of the writ petition, it is stated that the trust was formed in the year 2005 vide a trust deed dated 28.12.2005, which was registered in the office of SRO, Perundurai vide Document No. 796/2005. The Suit in O.S.No.470/2009 has also been filed seeking for permanent injunction restraining outsiders from interfering with the Mandapa Kattalai. The defendants in the suit claiming to be representing Ingur Grama Nattu Goundargal Madam Trust filed O.S.No.469 of 2009 seeking a declaration that they are the registered Society under the Tamil Nadu Societies Registration Act and for other reliefs. Both the suits were dismissed with a direction to the respective Plaintiffs to seek for framing of a scheme for the management of the institution. It is stated that the petitioner approached the second respondent Temple for the performance of Mandapa Kattalai to be performed in the Tamil Month of Thai during Thaipoosam. The petitioner had sent a sum of Rs.6,500/- through DD dated 28.01.2020 through Registered Post for the performance of Mandapa Kattalai and connected poojas for the deity. The petitioner has also annexed the payment receipts made in the previous years for the performance of said Kattalai. However, the petitioner is not aware as to whether the second respondent has encashed the DD so as to permit the petitioner Trust to perform Mandapa Kattalai as has been done for decades together. Hence the present Writ Petition has been filed, in the nature of Mandamus to direct the second respondent to permit the petitioner to perform the Mandapa Kattalai during the Thai Poosam.

4. The learned counsel for the petitioner requested this Court to permit the petitioner to perform the Mandapa Kattalai during the Thai Poosam festival-2020 of A/m. Subramania Swamy Temple, Chennimalai.

5. Mr. M. Karthikeyan, learned Special Government Pleader (HR & CE) states that today at 9.00 a.m the festivals had come to a conclusion and also stated that the petitioner's group members had refused to participate in the function. It is also stated that insofar as the representation is concerned, orders have been passed on 07.02.2020. It is stated that the sum of Rs.6,500/- which had been forwarded by demand draft by the petitioner has also been returned to the petitioner.

6. In view of the facts, the writ petition itself has become infructuous and this Court directs the petitioner to workout his remedy in a manner known to law.

7.With the above directions the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CO MDU)

//True copy//

Sub Assistant Registrar

tta

To

1.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Coimbatore.

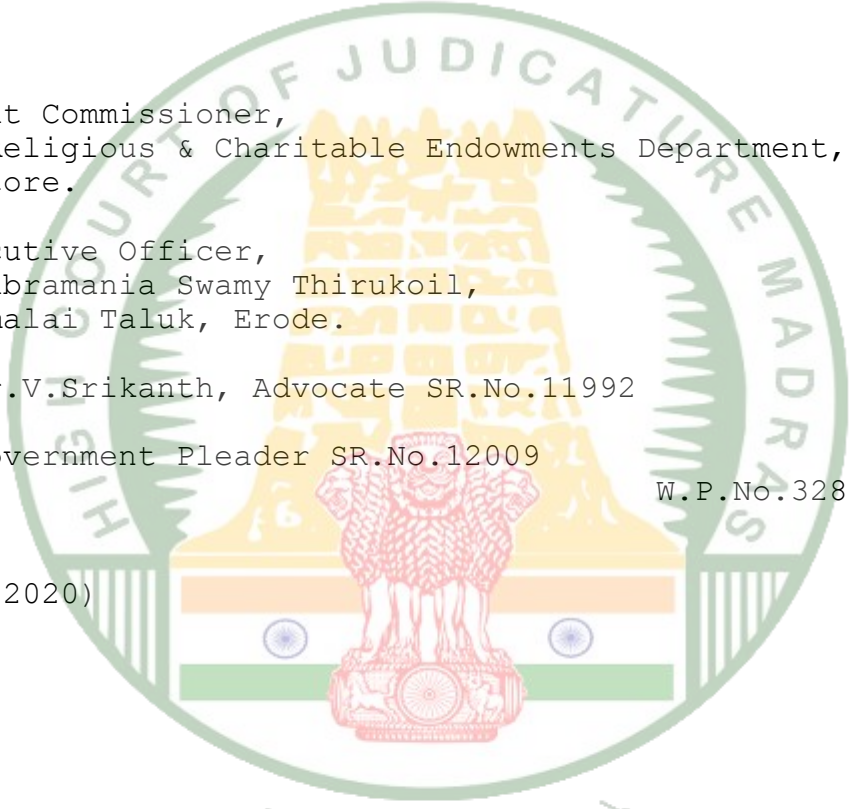
2.The Executive Officer,
A/m, Subramania Swamy Thirukoil,
Chennimalai Taluk, Erode.

+1cc to Mr.V.Srikanth, Advocate SR.No.11992

+1cc to Government Pleader SR.No.12009

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KS(CO)
GMY(22/05/2020)



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