



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2020

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THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.1518 of 2020

S.P.Narayanan

... Petitioner

Vs.

1.The Secretary to the Government,
Hindu Religious & Charitable Endowment Department,
Cheppauk, Chennai.

2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
No.119, Uthamar Gandhi Street,
Nungampakkam, Chennai.

3.The Joint Commissioner/Executive Officer,
Arulmigu Subramaniaswamy Thirukovil,
Tiruchendur,
Thoothukudi.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to open the main entrance of Rajagopuram so as to enable the devotees to have their ingress and egress through the same at Arulmigu Subramaniaswamy Thirukovil, Tiruchendur, Thoothukudi District before the forthcoming Thai Poosam festival, which is scheduled to be taken place on 08.02.2020 on the strength of the petitioner's representation dated 25.10.2019.

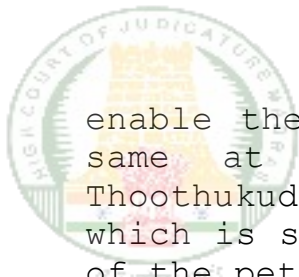
For Petitioner : Mr.R.Anand

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader
for R.1 and R.2
: Mr.M.Muthu Geethaiyan
Standing Counsel for R.3

ORDER

[Order of the Court was made by **M.DURAI SWAMY, J.**]

The petitioner has filed the above writ petition as a Public Interest Litigation to issue a Writ of Mandamus to direct the respondents to open the main entrance of Rajagopuram so as to



enable the devotees to have their ingress and egress through the same at Arulmigu Subramaniya Swami Thirukovil, Trichendur, Thoothukudi District before the forthcoming Thai Poosam festival, which is scheduled to be taken place on 08.02.2020 on the strength of the petitioner's representation dated 25.10.2019.

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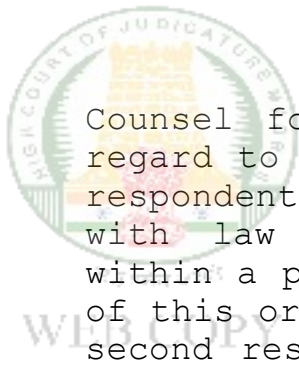
2. On the earlier occasion, the petitioner gave identical representation dated 02.05.2019 to the respondents and filed a writ petition in W.P.(MD)No.12671 of 2019 for the very same relief sought for in the present writ petition. The Honourable Division Bench of this Court pointed out that it is better for the Courts to keep away from all these issues which have been practiced from time immemorial and also recorded that the petitioner did not deny the fact that for several decades, the door is remained closed, however, not through out the year, but on important occasions and during the festival seasons. Further, the Honourable Division Bench also considered the report of the Vithayakartha of the temple. As rightly pointed out by the Honourable Division Bench on the earlier occasion, it is not for this Court to issue directions to the temple authorities as to when they have to open the main door and this aspect is left to the wise decision of the authorities and fit persons and any such decision should be in consultation with the second respondent, Commissioner, HR and CE Department, Chennai.

3. The Honourable Division Bench, on the earlier occasion, disposed of the writ petition by directing the petitioner to approach the second respondent, Commissioner, HR and CE Department, with appropriate representation which shall be considered in consultation with the fit persons and other stake holders of the temple for appropriate decision.

4. Though the present writ petition has been filed for the very same relief sought for in the earlier writ petition, though we are not inclined to entertain the writ petition, Mr.R.Anand, learned Counsel appearing for the petitioner submitted that at least, a time limit may be fixed for the authorities to pass orders on the representation dated 02.05.2019.

5. Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.M.Muthu Geethaiyan, learned Counsel for the third respondent submitted that the representation given by the petitioner would be considered by the second respondent, after taking into consideration the various aspects which necessitated for the closure of Rajagopuram entrance and pass necessary orders within a period of four months.

6. In view of the limited prayer sought for by the learned
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Counsel for the petitioner, without expressing any opinion with regard to the merits of the case, we only clarify that the second respondent may pass necessary orders on merits and in accordance with law on the petitioner's representation dated 02.05.2019 within a period of four months from the date of receipt of a copy of this order. The direction given in this order will not make the second respondent to pass only a positive order. It is open to the second respondent to pass orders either way on the representation given by the petitioner.

7. With these observations, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar (CS)

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To

1.The Secretary to the Government,
Hindu Religious & Charitable Endowment Department,
Cheppauk, Chennai.

2.The Commissioner,
Hindu Religious & Charitable Endowment Department,
No.119, Uthamar Gandhi Street,
Nungampakkam, Chennai.

3.The Joint Commissioner/Executive Officer,
Arulmigu Subramaniaswamy Thirukovil,
Tiruchendur,
Thoothukudi.

+1 CC to SPL.GP (SR-3653[F] dated 29/01/2020)

+1 CC to MR.M.MUTHUGEETHAYAN, Advocate (SR-3259[F] dated 27/01/2020)

W.P (MD) No.1518 of 2020
27.01.2020

KM/ (07.02.2020) 3P 6C

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