



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2020

CORAM:

WEB COPY THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.1567 of 2020

and

W.M.P (MD)No.1277 of 2020

M.Kannan

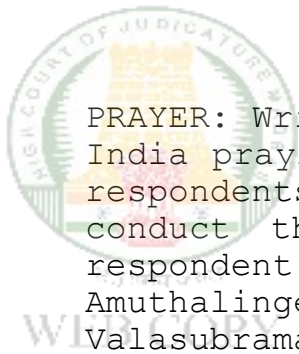
... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.
- 4.The Superintendent of Police,
Virudhunagar District Police,
Virudhunagar.
- 5.The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai,
Virudhunagar District.
- 6.The Aruppukottai Nadargal Uravinmurai Pothu Abiviruthi Trust,
Represented by its Secretary,
42, Big Bazar Street,
Aruppukottai - 626101. Virudhunagar District.
- 7.The Kumbabishega Committee,
The Aruppukottai Nadargal Uravinmurai
Pothu Abiviruthi Trust,
Represented by its Convener,
42, Big Bazar Street,
Aruppukottai - 626101,
Virudhunagar District.

8.M.Sudhakar

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 1 to 5 from allowing the respondent Nos.6 to 8 to conduct the Kumbabishegam in the temples belonging to the 6th respondent namely Arulmigu Sri Amuthavalli Amman Sametha Sri Amuthalingesbarar Thirukovil, Sri Muthumariamman Thirukovil, Sri Valasubramaniyar Thirukovil, Sri Santhi Veera Swamy Thirukovil, Sri Sithi Vinayagar Thirukovil, Sri Bhathirakaliyamman Thirukovil, Sri Sengottai Muniswarar Thirukovil, Sri Muthu Vinayakar Thirukovil and Sri Paruthi Vinayakar Thirukovil at Aruppukottai, Virudhunagar District on 30.01.2020 or any other date in future without approval of the third respondent and resolution passed by the General Body of the sixth respondent.

For Petitioner : Mr.G.Prabhu Rajadurai for
Mr.K.K.Kannan

For R-1, R-2,
R-4 & R-5 : Mr.M.Murugan,
Government Advocate

For R-3 : Mr.V.R.Shanmuganathan,
Special Government Pleader

ORDER

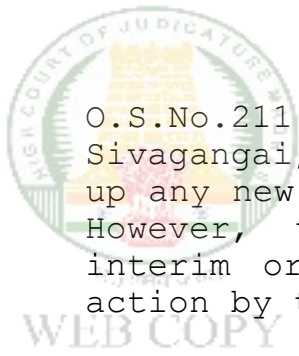
Mr.M.Murugan, learned Government Advocate takes notice for the respondents 1, 2, 4 and 5.

2. The writ petition is filed for a Mandamus, forbearing the respondents 1 to 5 from allowing the respondent Nos.6 to 8 to conduct Kumbabishegam in the temples as mentioned in the petition on 30.01.2020.

3. The main grievance of the petitioner is that enormous money has been spent from the public fund without disclosing the accounts to the members of the Trust. Even before fixing the Kumbabishegam, the sixth respondent ought to have consulted the members of the public and also the members of the Trust and obtained appropriate sanction from the HR & CE Department.

4. Upon notice, the learned Special Government Pleader appearing for the third respondent submitted that there was no such sanction given by the Joint Commissioner. However, it is pointed out that the complaint of the petitioner dated 23.01.2020 was received by them only on 25.01.2020 and the authorities are looking into the matter.

5. Be that as it may, now the Kumbabishegam is scheduled to be performed on 30.01.2020 and necessary arrangements and invitations are printed and distributed. It is also stated that performance of 'Yaagam' for the Kumbabishegam was also commenced and it is in progress. Therefore, it will be too late to stall the Kumbabishegam. It is also stated that there is a civil suit in



O.S.No.211 of 2019 on the file of Principal District Munsif, Sivagangai, to restrain the respondents from demolishing and putting up any new construction for the purpose of conducting Kumbabishegam. However, the petitioner could not succeed in the same obtaining any interim order. Now, the authorities are put on notice about the action by the respondents 6 to 8.

6. In view of the above, the Kumbabishegam may go on as fixed on 30.01.2020 and the third respondent is directed to look into the matter as to whether appropriate sanction has been obtained and whether the expenditure are within the limits etc. If there is any breach of the conditions, it is open to the authorities to take action against the authorities concerned.

With the above observations, the writ petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.
- 4.The Superintendent of Police,
Virudhunagar District Police, Virudhunagar.
- 5.The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai, Virudhunagar District.

+1 CC to M/s.Special Govt.Pleader (SR-3587[F] dated 29/01/2020)
+1 CC to M/s.K.K.KANNAN, Advocate (SR-3425[F] dated 28/01/2020)

W.P. (MD)No.1567 of 2020

28.01.2020

pm

SDS (12.02.2020) 3P-8C

<https://hcservices.ecourts.gov.in/hcservices/>