



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.02.2020
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)NO.2252 OF 2020

and

W.M.P (MD)No.1901 of 2020

S.Muthurajan

: Petitioner

.vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

4.The Joint Commissioner/Executive Officer,
Arulmighu Meenakshi Sundareswarar Thirukkoil,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to permit the Petitioner to perform 'Kathir Aruppu Mandagapadi' ceremony scheduled to be held on 7.2.2020 on receipt of necessary charges and further to direct the respondents to permit him to perform 'Kathir Aruppu Mandagapadi' ceremony in the forthcoming years scheduled to be held during 'Theppa Thiruvizha' conducted by the fourth respondent, pending adjudication of the Original Application by the second respondent.

For Petitioner : Mr.T.S.Mohammed Mohideen
for Mr.AK.Gopalan

For Respondents : Mr.VR.Shanmuganathan
Special Govt.Pleader



O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to permit the Petitioner to perform 'Kathir Aruppu Mandagapadi' ceremony scheduled to be held on 7.2.2020, on receipt of necessary charges and further to direct the respondents to permit him to perform 'Kathir Aruppu Mandagapadi' ceremony in the forthcoming years scheduled to be held during 'Theppa Thiruvizha' conducted by the fourth respondent, pending adjudication of the Original Application before the second respondent.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The said festival is conducted during 'Thai Poosam' time for 12 days and for the current year, it is performed from 27.1.2020 to 8.2.2020. The eleventh day festival is called as 'Kathir Aruppu Festival' and on that day, the deities Arulmighu Meenakshi and Sundareswarar visit the Mandapam in Chinthamani Village. There was an ancient stone Mandapam for performance of the said festival. It is submitted by the respondents that the said Mandapam was demolished by the Petitioner without the knowledge of the respondents. When the same was questioned, the Petitioner had given an undertaking on 18.7.2016 that he would construct a new Mandapam and hand over the same to the temple and they may be permitted to continue to do the poojas. After construction of Mandapam, persons claiming under the fourth respondent put up a lock and claimed that the said Mandapam belonged to the fourth respondent/temple. As the Petitioner is squatting over the property of the temple, the temple issued an order on 14.8.2018, calling upon the Petitioner to vacate and hand-over the vacant possession on or before 3.9.2018. The said action of the fourth respondent was challenged by the Petitioner and the same was disposed of on 31.8.2018 directing the first respondent to take a final decision in the revision petition filed by the Petitioner. Once-again the Petitioner had filed W.P(MD)No.1049 of 2019 praying for issuance of a Writ of Mandamus directing the respondents to permit the Petitioner to perform 'Kathir Aruppu Mandagapadi' ceremony scheduled to be held on 20.1.2019, on receipt of necessary charges. In the said Writ Petition, an order was passed by this Court on 19.1.2019 and paragraph 6 of the said order reads as under:

"6. Taking note of the fact that the Writ Petitioner's family has been performing the Mandagapadi all these years and recording the undertaking given by the Writ Petitioner as above, this Court directs the fourth respondent to receive the Writ Petitioner's application for performance of the Mandagapadi, along with the fees. The respondents shall permit the Writ Petitioner to perform the 'Kathir Aruppu Mandagapadi' as



was being performed all these years. This Court, once again, confirms that this relief is applicable to the current year alone I.e., for the function to be held on 20.1.2019 (tomorrow). The Petitioner has agreed not to agitate this issue once again before the Writ Court.....''

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4. The said order was challenged by the respondents in W.A(MD) No.83 of 2019, which was disposed of on 20.01.2019 wherein also, the order of the learned Single Judge was confirmed and the fourth respondent herein was directed to accept the required fees for granting permission to conduct the Mandagapadi for a specific time. The Division Bench confirmed the order of the learned Single Judge, wherein, it is specifically agreed by the Petitioner that he would not agitate the same issue once again before the Writ Court.

5. In the meanwhile, the Petitioner also had filed a petition under Section 63(e) of the HR and CE Act before the authority belatedly i.e., after one year, which was returned for want of certain compliance and said to have been represented only on 4.2.2020, after filing of this Writ Petition.

6. Be that as it may, today the learned counsel for the Petitioner would vehemently argue that the Petitioner is a septo-generian and he may be permitted to perform the 'Kathir Aruppu Mandagapadi' on 7.2.2020.

7. The same is opposed by the learned Special Government Pleader appearing for the official respondents, contending that when the Petitioner had the audacity to deny the title of the temple/idol, he cannot seek indulgence of this Court to perform the pooja for the very same deity and invoke HER blessings.

8. The learned counsel for the Petitioner also admitted his fault that he had gone before the authorities invoking Section 63 (e) of the HR and CE Act belatedly and he has rushed to this Court in the last minute.

9. The contention of the learned Special Government Pleader appearing for the fourth respondent temple is that a person who has denied the title of the temple, cannot be shown any indulgence by this Court, as the same would give a wrong signal that despite the misdeeds done by a person, he can get what he wants by virtue of the Court's order. After exchange of arguments, the learned Special Government Pleader appearing for the respondents submitted that 'Kathir Aruppu Mandagapadi' as claimed by the Petitioner cannot be granted. However, he would further submit that the respondents will not have any objection for the Petitioner to come to the Mandapam and worship the deity, in peace, as like any other worshipper, without causing any chaos and confusion.



10.The learned counsel for the petitioner offered to pay the money/required fees, as may be demanded by the temple authorities for the purpose of the above said Mandagapadi, for which, the learned Special Government Pleader would submit that the Petitioner shall come to the Mandapam like any other worshipper and worship the deity and go. The receipt/payment of any money from the Petitioner is not required as he is not allowed to take the Mandagapadi or first Mariyadhai.

11.In the light of the above circumstances, the following order is passed:

(1)As it is expected that the Arulmighu Meenakshi and Sundareswarar should arrive at the Mandapam at Chinthamani for the 'Kathir Aruppu Mandagapadi' tomorrow after-noon ie.,at about 1.00 p.m. on 7.2.2020, the Petitioner is permitted to go to the said Mandapam, offer his worship like any other worshipper, after the deity is placed in the Mandapam. However, the Petitioner is directed to be in the Mandapam not beyond 30 minutes, after the deity is placed in the said Mandapam at Chintamani;

(2)It is made clear the the First Respect(Muthal Mariyathai) or Mandagapadi will not be offered to the Petitioner;

(3)the performance of pooja will be done only by the Poojaris/Gurukkal/Pattar attached to Arulmighu Meenakshi Sundareswarar Temple, Madurai;

(4)Any Poojari from Chinthamani village will not be allowed to perform the Pooja, as requested by the Petitioner;

(5)The Petitioner also undertakes not to create any confusion or chaos either inside or outside the Mandapam, when he is allowed to worship the deity;

(6)once-again it is made very clear that the Petitioner will not be entertained with any such Writ Petition before this Court with the similar prayer, for the forthcoming years, without working out his remedy in the manner known to law and the practice of the Petitioner in approaching this Court in the last minute and insisting this Court for an order on the ground of sentiments, is highly deprecated.



12. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Vsn

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
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Madurai.

+4 CC to Mr. R. KARUNANIDHI, Advocate (SR-5090[F] dated 06/02/2020)

ORDER MADE IN
W. P (MD) NO. 2252 OF 2020
and
W. M. P (MD) No. 1901 of 2020
06.02.2020

MK (07.02.2020) 5P 9C