



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2020**

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.17679 of 2020
and W.M.P. (MD) .No.14759 of 2020

V.Aarthi

.. Petitioner

Vs.

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

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent to pass orders permitting the petitioner to perform puja in the Arulmigu Pandi Muneeswaran Temple, Melamadai, Madura, for the rotation/days admissible to her late husband by considering the petitioner's representation dated 21.10.2020, within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Sole Respondent : Mr.M.Karuppasamy
Government Advocate

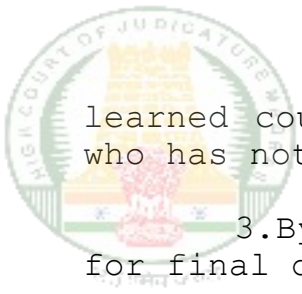
Ms.J.Anandhavalli for
Board of Trustees of the Temple, who
has not been impleaded as a party to
this petition

ORDER

(This Matter was heard through the Video Conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider the petitioner's representation dated 21.10.2020, to perform pooja rights at Arulmigu Pandi Muneeswarar Temple, Melamadai, Madurai, since her husband died on 05.03.2020, based on the petitioner's representation dated 21.10.2020.

2.Heard Mr.A.Ajmal Khan, learned Senior counsel for the petitioner, Mr.M.Karuppasamy, learned Government Advocate, who accepts notice on behalf of the respondents and Ms.J.Anandhavalli,



learned counsel appearing for the Board of Trustees of the Temple, who has not been impleaded as a party to this writ petition.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

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4.It is the case of the petitioner that her husband Sri.Veerapandi was having pooja rights in the aforementioned temple and he died on 05.03.2020. It is her case that he died leaving behind the petitioner and his two children. According to the petitioner, that in the event of the death of any of the descendents, who enjoyed poojariship, the widow of any of the descendents would be entitled to poojari right of the late husband. The petitioner has filed an application under Section 63 of the Hindu Religious and Charitable Endowments Act, to enjoy the rights of poojariship, which was enjoyed by her late husband, till his death on 05.03.2020. According to the petitioner, despite the said application, till date, the same has not been considered by the respondent. According to the petitioner, her late husband's turn for poojariship commences on 25.12.2020 and closes on 31.12.2020. Therefore, the application submitted by her for recognizing her as poojari for the aforementioned temple will have to be considered by the respondent expeditiously. In such circumstances, this writ petition has been filed.

5.The relief sought for in this writ petition is an innocuous relief. No prejudice will be caused to any other parties including other legal heirs of the deceased Veerapandi, if the application of the petitioner is considered by the respondents on merits and in accordance with law, after hearing all the necessary parties, including the other legal heirs of the deceased Veerapandi.

6.During the course of the hearing, Mrs. Anandhavalli, learned counsel representing the Board of Trustees of the subject temple would submit that the present application filed by the petitioner before the respondent is not maintainable. Further, she would contend that all the necessary parties have not been impleaded in this writ petition and therefore, without hearing them, this writ petition is not maintainable. It is also submitted by the learned counsel for the Board of Trustees for temple that they have already issued notice to the petitioner as well as the mother of the deceased Poojari, calling for enquiry. While that be so, according to her, this writ petition is not maintainable.

7.This Court, after giving due consideration to the submissions made by the learned Senior counsel appearing for the petitioner as well as the submissions made by the learned Government Advocate, appearing for the respondent as well as Mrs.Anandhavalli, learned counsel appearing for the Board of Trustees of the temple, is of the considered view that no prejudice will be caused to the respondent or any other interested person in the temple, if the



application of the petitioner, seeking to be recognised as a poojari for the temple, subsequent to the death of her husband is considered by the respondent on merits and in accordance with law, after hearing all the necessary parties, including the legal heirs of the deceased poojari namely Sri.Veerapandi.

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8.For the foregoing reasons, this Court directs the respondent to consider the petitioner's application dated 21.10.2020, seeking to perform pooja in Arulmigu Pandi Muneeswarar Temple, Melamadai, Madurai, on rotation basis for the period from 25.12.2020 and pass final orders on merits and in accordance with law, after hearing all the necessary parties, including the other legal heirs of the deceased Sri.Veerapandi and also the Board of Trustees for the said temple, on or before 20.12.2020.

9.With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

+1 CC to M/s.GP (SR-24385[F] dated 08/12/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-24465[F] dated 08/12/2020)

**W.P(MD).No.17679 of 2020
04.12.2020**

pu(CO)

TR(08.12.2020) 3P 4C