



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD)No.4674 of 2021

and

W.M.P. (MD)No.3790 of 2021

WEB COPY

S.Ganapathy

: Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
A.R.Line, Palayamkottai, Tirunelveli.

2.The Thakkar / Executive Officer,
Arulmigu Angala Parameswari (Mathankovil) Temple,
Alwarkurichi, Tenkasi District. : Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to continue with the Time Memorial customary practice in the "Alagu Katchi Event by allowing the petitioner to perform the same in connection with the Maha Sivarathiri Festival Scheduled to be taken place from 08.03.2021 till 12.03.2021 at Arulmigu Sri Angala Parameswari (Mathankoil) Thirukoil, Alwarkurichi, Tenkasi District.

For Petitioner

:Mr.R.Anand

For R1

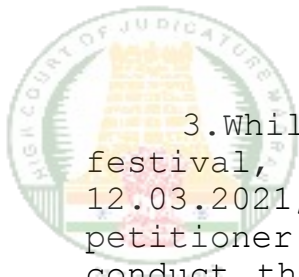
:Mr.K.P.Narayanakumar

Special Government Pleader

ORDER

The petitioner claims himself to be an aggrieved person in regard to the second respondent performing Maha Sivarathri festival in the ensuing week of Arulmighu Sri Angalaparameswari Temple. According to him, the temple was administered by his father and hereditarily after his demise, the petitioner has been looking after the administration of the temple. According to him, every year Maha Sivarathri festival to be conducted, a particular ritual would be performed and the people in the village have strong belief that the ritual adhered to was in the larger benefit of the village people.

2.When the HR & CE administration proposed to takeover the administration of the temple, the petitioner appears to have opposed the takeover, as the petitioner inherited the traditional rights to participate in the Maha Sivarathri festival and according to him, an assurance was also given to him by the HR & CE administration. On the basis of the assurance, he handed over the possession of the temple and the second respondent, by an order 04.01.2021, was appointed as Thakkar of the temple.



3.While the matter stood thus, in this year's Maha Sivarathri festival, which is to commence from 08.03.2021 and to conclude on 12.03.2021, the assurance given by the HR & CE Department, the petitioner was given to understand that he would not be permitted to conduct the ritual and the ritual would be conducted and performed only by the second respondent without involvement of anyone including the petitioner herein. Therefore, the petitioner is before this Court for issuing a Writ of Mandamus.

4.This Court is unable to appreciate the claim of the petitioner to perform a particular form of ritual, as nothing specifically has been stated as to how he has inherited any traditional right for such performance, despite the taking over the temple by the respondents in January-2021. The so called assurance stated by the petitioner in the affidavit cannot be a matter of enforcement, as nothing is on record to show that any such assurance had been given and the same could have legal force.

5.Even otherwise, this Court is of the view that the affidavit is bereft of any details, as to the claim of the petitioner in relation to the temple and the averments are too bald and sketchy to be relied upon by this Court for exercising its power of issuing Mandamus, on the basis of such self serving averments of the petitioner. On the whole, this Court is of the view that the Writ Petition does not project any specific cause of action compelling this Court to act on the basis of the petitioner's claim, which is unsupported by any materials.

6.For the aforesaid reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
A.R.Line, Palayamkottai, Tirunelveli.

+1 CC to M/s.SPL GP (SR-9513[F] dated 08/03/2021)

W.P. (MD)No.4674 of 2021

05.03.2021

KMV (CO)

KK(01.04.2021) 2P 3C