



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD)No.5799 of 2021

and

W.M.P. (MD)No.4560 of 2021

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Uppuvanipa Pudur Sri Gangaparameshwari
Sri Navaneetha Krishnan and Parivara Devathaikal
Paramarippu Sangam, represented by its President,
Tirunelveli District. : Petitioner

Vs.

- 1.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Palayamkottai, Tirunelveli.
- 2.The Sub Collector,
Cheranmahadevi, Tirunelveli District.
- 3.The Tahsildar,
Ambasamudram, Tirunelveli District.
- 4.The Deputy Superintendent of Police,
Cheranmahadevi, Tirunelveli District.
- 5.The Inspector of Police,
Veeravanallur Police Station,
Veeravanallu, Tirunelveli District.
- 6.Anchoorum Perumal Konars Gangammal Trust,
represented through its President,
Kanyakumari District. : Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 5 to consider the representations of the petitioner dated 10.12.2020 and 02.03.2021 and pass orders within the time fixed by this Court for ensuring the right of worship of the petitioner Committee and its member in the Sri Ganga Parameshwari and Sri Navaneetha Krishnan Swami and Sastha (Kaval Deivam) Temple at Uppuvanipa Pudur Village, Ambasamudram Taluk, Tirunelveli District in the Panguni Uthiram festival scheduled on 27.03.2021 and 28.03.2021 by giving necessary protection.

For Petitioner
For R1 to R5

:Mr.H.Arumugam
:Mr.K.P.Narayakumar
Special Government Pleader

**ORDER**

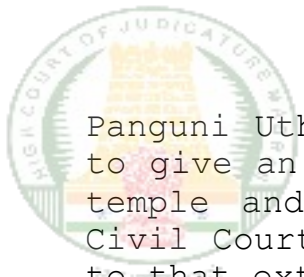
According to the petitioner, their ancestors had been originally living in Uppuvanipa Pudur Village at Vellanguli Panchayat, hamlet of Ambasamudram Taluk, Tirunelveli District. Their avocation was selling salt, but later due to non-availability of avocation, they migrated to various places in the State as well as across the country. According to the petitioner Sangam, many of the members have particularly migrated to Thatchanallur Village at Tirunelveli and as well as five villages in Kanyakumari district named in the affidavit. According to the petitioner Sangam, there are about 250 families living in the Thatchanallur Village Tirunelveli District.

2.The petitioner Kula-Deivam Deities, ie., Sri Ganga Parameshwari and Sri Navaneetha Krishnan Swami and Sastha (Kaval Theivam) are located in Uppuvanipa Pudur village. The members of the petitioner Sangam have been worshiping the deities regularly in all Sunday of Avani Tamil month, Karthigai festival and other holy days. According to the petitioner Sangam, poojas and other functions are regularly conducted. According to the petitioner Sangam that poojary has been appointed in the temple, who is also living in the same village and the day today activities of the temple vis-a-vis community people of the temple have been stated in the affidavit.

3.The sixth respondent Trust appears to have filed O.S.No.78 of 2019 before the Principal District Munsif Court, Cheranmahadevi against the petitioner Sangam for declaration that the registration of the petitioner Sangam is null and void and also for permanent injunction restraining the petitioner Sangam from interfering with the peaceful possession of the temple by the sixth respondent. The said suit is pending and no interim order has been passed in the suit.

4.The substance and grievance in the Writ Petition is that Panguni Uthiram Festival is scheduled to take place on 27.03.2021 and 28.03.2021 and the members of the petitioner Sangam apprehend that the sixth respondent Trust would not allow the festival to be conducted peacefully and they are causing disruption to the worshiping of the temple by all the community members. In the said circumstances, the petitioner is before this Court seeking direction to dispose of their representation, dated 10.12.2020 to the 1 to 5 respondents and to ensure the right of worship by the petitioner Sangam and its members during the present Panguni Uthiram Festival.

5.Mr.H.Arumuagm, learned Counsel for the petitioner reiterated the above facts and would submit that as far as the petitioner Sangam is concerned, they require peaceful and smooth conduct of the



Panguni Uthiram festival and the petitioner Sangam is also prepared to give an undertaking that they would not claim any right over the temple and its administration, as the *lis* is pending before the Civil Court. He would, therefore, submit that this Court, at least to that extent, may issue a direction to the official respondents to take a call in response to their representation and undertaking can also be taken from the petitioner Sangam.

6.Though the arguments advanced by the learned Counsel for the petitioner appear to have some substance, this Court is not inclined to entertain such plea, for the simple reason that a declarative suit is pending in O.S.No.78 of 2019 before the Principal District Munsif Court, Cheranmahadevi at the instance of the sixth respondent. In view of the pendency of the suit, this Court in the interregnum cannot issue any direction, as any such direction may have a bearing on the enquiry or trial of the pending suit *qua* parties.

7.Although an assurance was given on behalf of the petitioner that they would give an undertaking not to claim any right over the temple administration, yet such undertaking is a matter of consideration before a Civil Court either in the pending suit or the petitioner can initiate separate proceedings in that regard. It is certainly not open to the petitioner to maintain a parallel proceedings in regard to the same subject matter, particularly, under Article 226 of Constitution of India. Any direction to be issued at the instance of the petitioner in a collateral proceedings may not be proper in the face of the pendency of the suit in O.S.No.78 of 2019 before the Principal District Munsif Court, Cheranmahadevi.

8.For the aforesaid reasons, this Writ Petition is not entertained and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

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



2.The Sub Collector,
Cheranmahadevi, Tirunelveli District.

3.The Tahsildar,
Ambasamudram, Tirunelveli District.

4.The Deputy Superintendent of Police,
Cheranmahadevi, Tirunelveli District.

5.The Inspector of Police,
Veeravanallur Police Station,
Veeravanallu, Tirunelveli District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-11928[F] dated 17/03/2021)

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DKS (CO)
KB (08.04.2021) 4P 7C