



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. (MD) No.7860 of 2021

M.Thiagarajan

...Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Tirunelveli.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Nagerkovil Road,
Palayamkottai, Tirunelveli District.

3.Kombu Madasamy Paramarippu Committee,
Pettai, Tirunelveli,
Rep. by A.Mariappan,
S/o. Arumugam,
Andalpuram, Pettai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ Mandamus, directing the 1st respondent to permit to celebrate "Kodai Vizha" festival at Kombu Madasamy Thirukovil, Tirunelveli on 22.04.2021 and 23.04.2021.

For Petitioner : Mr.M.V.Venkataseshan

For Respondents : Mr.K.P.Narayanakumar for R1 & R2
Special Government Pleader

O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus directing the respondents to permit the petitioner and his family members to celebrate the "Kodai Vizha" at Kombu Madasamy Thirukovil, Tirunelveli, on 22nd and 23rd of April 2021.

2.The case of the petitioner is that the subject temple was founded by his ancestors and the petitioner was the hereditary trustee of the said temple. Civil proceedings were initiated since there was dispute with regard to the right of hereditaryship and ultimately, the matter reached this Court and this Court granted liberty to the parties to stake their claim before the appropriate authority under Section 63-B of the Hindu Religious and Charitable Endowments Act. Accordingly, the petitioner also filed a petition before the first respondent and the same is pending.



3.The petitioner, in the meantime made an application before the respondents to grant permission to conduct the "Kodai Vizha" in the temple on 22nd and 23rd of April 2021. Since the same was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

WEB COPY

4.Heard Mr.M.V.Venkataseshan, learned counsel for the petitioner and Mr.K.P.Narayanakumar, learned Special Government Pleader for the respondents 1 and 2.

5.Taking into consideration the facts and circumstances of the case and also considering the pandemic situation and the Government Order passed by the State restraining all Congregations, this Court cannot permit any huge gatherings in the name of conducting a festival. However, it will be left open to the petitioner and his family members to go to the temple for worshipping.

6.In view of the above, there shall be a direction to the first respondent to permit the petitioner and his family members to visit the temple on 22nd and 23rd April 2021, for the purpose of worshipping and it is made clear that there will be no congregation and it will be limited only to the petitioner and his family members. It is left open to the first respondent to impose any reasonable condition while granting permission to the petitioner.

7.This Writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note: Issue order copy on 19.04.2021.

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

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Tirunelveli.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Nagerkovil Road,
Palayamkottai, Tirunelveli District.

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-15973[F] dated
16/04/2021)

+1 CC to M/s.SPL GP (SR-16296[F] dated 17/04/2021)

W.P. (MD) No.7860 of 2021
16.04.2021

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