



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. [MD]No.21555 of 2021

and

W.M.P (MD) .No.18112 of 2021

WEB COPY

N.Ramesh

: Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Ellis Nagar,
Madurai.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Ellis Nagar,
Madurai District.

3.The Inspector,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Thirumangalam,
Madurai District.

4.V.Natarajan

5.K.M.V.Veeraiya Chettiar

6.K.Veeraiya Chettiar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to appoint a Special Officer for supervising the "Thiruvathirai Festival" scheduled to be held on 20.12.2021 (on and from 10.12.2021) at "Sri Veerabathira Swamy Temple, Kallikudi, Tirumangalam Taluk, Madurai District by the members of Somakalya Maharishi Gothram and Manumaharishi Gothram members of Devangar Chettiar Community residing at Aruppukottai, Virudhunagar District in consonance with the order dated 19.04.1983 made in O.A.No.15/1982 on the file of the first respondent in order to avoid any law and order problem on the basis of Petitioner's representations dated 01.11.2021 and 23.11.2021.

For Petitioner

: Mr.R.G.Shankar Ganesh

For Respondents 1 to 3

: Mr.C.Satheesh

Government Advocate



O R D E R

Captioned main writ petition pertains to a temple which goes by the name 'Arulmigu Veerabathira Swamy Temple' situate at Kallikudi, Thirumangalam Taluk, Madurai District [hereinafter 'said temple' for the sake of convenience and clarity] and the central theme of the captioned writ petition is celebration of 'Thiruvathirai' festival [hereinafter 'said festival' for the sake of convenience and clarity] in said temple.

2.Mr.R.G.Shankar Ganesh, learned Counsel for writ petitioner adverts to a Scheme being a Scheme framed under Section 64(1) of 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' [hereafter 'TN HR & CE Act' for the sake of convenience and clarity] vide O.A.No.15 of 1982 by the then Deputy Commissioner of 'the Tamil Nadu Hindu Religious and Charitable Endowment Department', [hereinafter 'TN HR & CE Dept.', for the sake of brevity] on 19.04.1983 [hereinafter 'said Scheme' for the sake of convenience and clarity].

3.Learned Counsel for writ petitioner draws the attention of this Court to paragraph No.3 of said Scheme which reads as follows:

'3.The above mentioned Institutions namely Arulmigu Veerabathraswamy Temple in Kallikudi Chatram Village, Tahirumangalam Taluk, Madurai District and its properties shall be administered by the members of Somekalya Mahirishi Gothra and Manumaharishi Gothra Devanga Chettiars residing at Aruppukottai Ramnad District through their representatives as five trustees be chosen by that community members. Such trustees shall within one month from the date of their election by the community elect one among themselves as Chairman Board of Trustees who will hold office for a period of three years.'

[Extracted and reproduced as such]

4.Learned Counsel submits that the aforementioned Scheme is operating and notwithstanding the aforementioned Scheme operating, there is an imminent likelihood of said festival being held by excluding the Manumaharishi Gothram members. Learned Counsel points out that respondents 4 to 6 (private respondents) are members of the Somakalya Maharishi Gothram and writ petitioner is a member of Manumaharishi Gothram.

5.Mr.C.Satheesh, learned Government Advocate accepts notice on behalf of respondents 1 to 3 [official respondents].



6.This Court is informed that said festival is scheduled to commence on 10.12.2021 and conclude on 20.12.2021. In other words, said festival is in the anvil.

7.Learned Counsel for writ petitioner, notwithstanding the slightly expansive prayer in the writ petition abridges the prayer and says it will suffice if there is a simple directive to the first respondent to dispose of petitioner's representation dated 01.11.2021 and reminder dated 23.11.2021, requesting for appointment of a Special Officer for conduct of said festival in said temple.

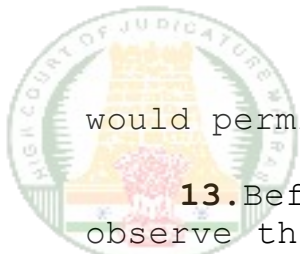
8.In view of the time line and in view of the abridged prayer, I am of the considered view that captioned writ petition can be disposed of by making an order which is not adverse to the private respondents 4 to 6 and also by giving adequate / ample safety valve for the private respondents 4 to 6.

9.Before I do that, it is necessary to record the stated position of the State Counsel. Learned State Counsel, advertent to earlier orders made by this Hon'ble Court in previous years for the same festival in said temple submits that every year a Special Officer is being appointed and in the previous year the said festival has been conducted in the said temple smoothly / peacefully without any issues by the Special Officer.

10.Learned State Counsel also submits that in the previous year Executive Officer of Arulmigu Dhandayuthapani Swamy temple was appointed as Special Officer. However, I refrain myself from expressing any view on the same in this matter as the case on hand is being disposed of in the Admission Board and I am now going to direct the first respondent to dispose of the petitioner's aforementioned representation and reminder.

11.Before I write the operative portion of this order it is deemed appropriate to record that this Court has noticed that last year an order dated 20.11.2020 came to be made by another Hon'ble Single Judge in W.P.[MD]No.16395 of 2020 at the instance of the same writ petitioner and another order came to be made by another Hon'ble Single Judge on 02.01.2020 (post festival) in W.P.[MD] No.27338 of 2019. It is these orders learned State Counsel is referring to and submitting that Special Officer is being appointed for the festival every year.

12.In the light of the narrative thus far, captioned Writ Petition is disposed of with a simple directive to the first respondent to dispose of writ petitioner's representation dated 01.11.2021 and reminder dated 23.11.2021 after giving an opportunity to the private respondents 4 to 6 for expressing their views as expeditiously as the business of the first respondent



would permit and in any event on or before **09.12.2021**.

13.Before I part with this matter, I deem it appropriate to observe that it may be appropriate for TN HR & CE Dept., to find a permanent solution instead of making this litigation a annual feature. It may be appropriate to find a solution which would operate for years to come without driving the parties to this Court every year. I refrain myself from expressing further opinion on this considering the scope and purport of this order.

14.Captioned Writ Petition is disposed of with the aforementioned simple directive. Consequently, captioned Writ Miscellaenous Petition is disposed of as closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

To

- 1.The Joint Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Department,
Ellis Nagar,
Madurai.
- 2.The Assistant Commissioner,
Tamil Nadu Hindu Religious and Charitable Endowment Department,
Ellis Nagar,
Madurai District.
- 3.The Inspector,
Tamil Nadu Hindu Religious and Charitable Endowment Department,
Thirumangalam,
Madurai District.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-37181[F] dated 03/12/2021)

W.P. [MD]No.21555 of 2021

03.12.2021

RS (03.12.2021) 4P 5C