



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.4440 of 2022

and

W.M.P(MD).No.3748 of 2022

Rajamanickam

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.
- 3.The District Collector,
Virudhunagar District,
Virudhunagar.
- 4.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Virudhunagar.
- 6.The Executive Officer,
Arulmigu Sokkanathasamy Thirukovil,
Virudhunagar.

7.Periyasamy

8.Pitchai ammal

...Respondents

(R2 and R6 are *suo motu* substituted vide
order of this Court, dated 14.03.2022)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the first respondent to take over the administration of Aulmigu Poongodi Porkodi Samedha Manicka Vasagar @ Iyyanar Thirukovil is situated at Allalaperi Village, Kariapatti Taluk, Virudhunagar District based on the petitioner's representation dated 07.01.2022.



For Petitioner : Mr.V.Sasikumar
For R1 to R5 : Mr.P.Subbaraj
Special Government Pleader
For R6 : Mr.P.Mahendran

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ORDER

The petitioner has filed this writ petition for a writ of Mandamus to direct the first respondent to take over the administration of Aulmigu Poongodi Porkodi Sameda Manicka Vasagar @ Iyyanar Thirukovil is situated at Allalaperi Village, Kariapatti Taluk, Virudhunagar District, based on the petitioner's representation, dated 07.01.2022.

2. It is the specific case of the petitioner that reportedly, the respondents 7 and 8, who are Poojaris of the temple are collecting contributions from public and from the villagers for conducting Mahagumbabisegam for the said temple contrary to the provisions of the Hindu Religious and Charitable Endowments Act, 1959 and the Rules made thereunder. It is further submitted that the temple is governed by the provisions of the Hindu Religious and Charitable Endowments Act, 1959 and therefore the administration of the temple should be taken over.

3. Opposing the prayer, the learned Special Government Pleader for the first to fifth respondents and the learned counsel for the sixth respondent submit that the petitioner has wrongly arrayed the second and sixth respondents instead of Joint Commissioner, Hindu Religious and Charitable Endowments Department, Maduari and Executive Officer, Arulmigu Sokkanathasamy Thirukovil, Virudhunagar. It is further submitted that the so-called Mahagumbabisegam proposed to be held this year is at the arch which has been constructed about 1 kilometre away from the temple and it is nothing to do with the temple and therefore, the writ petition is devoid of merits.

4. It is noticed that the petitioner has wrongly impleaded "The Joint Commissioner, Hindu Religious and Charitable Endowment Department, Sivagangai" as second respondent and "The Executive Officer, Hindu Religious and Charitable Endowment Department, Aruppukottai, Virudhunagar District" as sixth respondent instead of "The Joint Commissioner, Hindu Religious and Charitable Endowment Department, Madurai" and "The Executive Officer, Arulmigu Sokkanathasamy Thirukovil, Virudhunagar". Therefore, they are *suo muto* substituted as second and sixth respondents as follows:

(i) Second Respondent: **The Joint Commissioner, Hindu Religious and Charitable Endowment Department, Madurai.**

(ii) Sixth Respondent: **The Executive Officer, Arulmigu Sokkanathasamy Thirukovil, Virudhunagar.**



5. Though rival submissions are made, I find that this is a fit case to direct the second respondent to consider the petitioner's representation. Therefore, I direct the second respondent to consider the petitioner's representation and pass appropriate orders on merits and in accordance with law within a period of 6 weeks from the date of receipt of copy of this order. It is needless to state that before passing such order, the petitioner, respondents 7 and 8 shall be heard.

6. The writ petition stands disposed of with the above observations. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

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Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.
3. The District Collector,
Virudhunagar District,
Virudhunagar.
4. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
5. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Virudhunagar.
6. The Executive Officer,
Arulmigu Sokkanathasamy Thirukovil,
Virudhunagar.

+2 CC to M/s.V.SASI KUMAR, Advocate (SR-11927[F] dated 14/03/2022)
+1 CC to M/s.P.MAHENDRAN, Advocate (SR-12063[F] dated 15/03/2022)
+1 CC to M/s.SPL GP (SR-12532[F] dated 16/03/2022)

W.P(MD).No.4440 of 2022

14.03.2022

MK/18.03.2022/3P/11C

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