BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.4861 of 2022

K.Prabhakaran @ Soundarapandi ...Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Maduari.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Ellis Nagar,
Maduari.

3.The Inspector of Police,
K.Pudur Police Station,
Maduari.

4.Geetha

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to facilitate the fullest participation of general public of Adi Dravidar (Parayar) Community people of K.Pudur Village, Madurai City with their poll-tax contribution for the festival of Sri Mariamman Temple, K.Pudur, Madurai City as scheduled by the fourth respondent from 15.03.2022 to 27.03.2022 and ensure that the fourth respondent shall not change or give up any of the customary and ritual practice of taking 'Karagam' on the eve of temple festival by the general public.

For Petitioner	:	Mr.S.Balamurugan
For R1 to R3	:	Mr.P.Subbaraj Special Government Pleader
For R4	:	Mr.C.Guhaseelarupan

ORDER

This writ petition has been filed for a writ of Mandamus to direct the respondents 1 to 3 to facilitate the fullest participation of general public of Adi Dravidar (Parayar) Community people of K.Pudur Village, Madurai City with their poll-tax contribution for the festival of Sri Mariamman Temple, K.Pudur, Madurai City, which is scheduled to be held between 15.03.2022 to 27.03.2022 by the fourth respondent.

2. The case of the petitioner is that the petitioner should be allowed collection of Poll-tax (தலை கட்டு வரி) and further allowed to contribute to the same and that the fourth respondent Hereditary Trustee should receive the same and should issue appropriate receipts towards Poll-tax (தலை கட்டு வரி).

3. The learned counsel for the fourth respondent, on the other hand, would submit that the temple came under the control of the Hindu Religious and Charitable Endowments Department in 20.02.2019 and that the fourth respondent's father, namely, late Vadivel was a first hereditary trustee and that after his demise on 07.05.2021, the fourth respondent become the hereditary trustee, which was duly recognized by the official respondents on 18.02.2022. The learned counsel for the fourth respondent further submits that the temple festival will be conducted without any discrimination to any community. However, question of allowing anybody to pay amount as Poll-tax (தலை கட்டு வரி) to acknowledge the amounts to be paid by a specific family is not permissible.

4. The learned counsel for the official respondents further submits that the petitioner and the fourth respondent were called for an enquiry and they have given an undertaking that no 'Karagam' will be taken.

5. Considering the fact that temple festival has to go as per customary practice, I am inclined to dispose this writ petition by directing the official respondent to ensure that the fourth respondent temple represented by its hereditary trustee is carried out without any untoward incident happens to law and order situation. The petitioner is also entitled to make regular contributions and donations for which receipts can be given by the fourth respondent. However, no Poll-tax (தலை கட்டு வரி) receipt will be given to the petitioner. Whether the temple can be asked to give receipt for Poll-tax (தலை கட்டு வரி) is left to be decided in an appropriate proceeding under Section 63 (e) of the Hindu Religious and Charitable Endowments Act, 1959. The petitioner is therefore given liberty to approach the authority under Section 63 of the Act. The respondents are directed to ensure that there is an adequate police protection so that there is no untoward incident during the temple festival.

6. With the above observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Maduari.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Ellis Nagar,
Maduari.

3.The Inspector of Police,
K.Pudur Police Station,
Maduari.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-12862[F] dated 18/03/2022)

+1 CC to M/s.C.GUHASEELARUPAN, Advocate (SR-13066[F] dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-13165[F] dated 21/03/2022)

W.P(MD).No.4861 of 2022
18.03.2022

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