



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.6490 of 2022

and

W.M.P. (MD) No.5038 of 2022

K.V.D.Karuppasamy

... Petitioner

/vs./

1.The Joint Commissioner,
Hindu Religious & Charitable, Endowments Department,
Sivagangai District.

2.The Fit Person,
Sri.Muthumariamman Temple,
Thiruvazhanthur, Thiruppathur Taluk,
Sivagangai District.

... Respondents

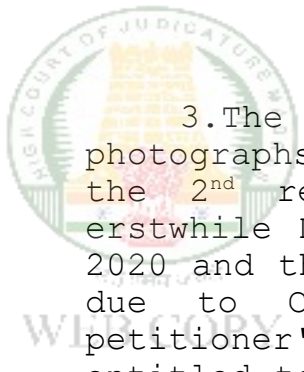
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order of the letter dated 01.04.2022 on the file of the 2nd respondent, quash the same as illegal and also directing the respondents 1 and 2 to grant all respects as usual to the petitioner ie., Mudhalmariyathai in the Panguni Poochorithal festival of the Sri.Arulmighu Muthumariamman Temple of Thiruvalnthur Village for every year as a Maniyakkarar and hereditary trustee of the temple.

For Petitioner	: Mr.V.Nagendran
For R1	: Mr.P.Subbaraj
	Special Government Pleader
For R2	: Mr.Shankar Ganesh

ORDER

The petitioner has filed this writ petition for a Certiorarified Mandamus to quash the impugned communication dated 01.04.2022 of the 2nd respondent.

2.It is the case of the petitioner that the petitioner's family was entitled for certain privileges in the temple festival and that the petitioner's brother was earlier Maniyakkarar was entitled to the privilege. It is submitted that the petitioner's brother has passed away and therefore, the petitioner is entitled to get the first honor during the temple festival.



3.The learned counsel for the petitioner has filed copies of photographs along with the typed set of papers to demonstrate that the 2nd respondent/Fit Person had given first respect to the erstwhile Maniyakkarakar, ie., the petitioner's brother during 2019-2020 and that during 2020-2021, the festival could not be conducted due to COVID-19 pandemic. It is submitted that since the petitioner's brother has passed away and that the petitioner is entitled to step into the issues and receive the first honor as per the tradition.

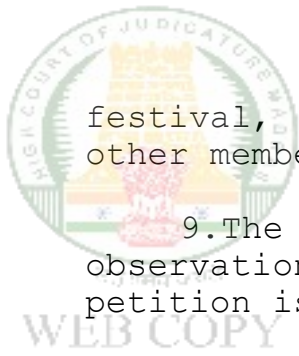
4.Opposing the prayer, the learned counsel for the 2nd respondent submits that there is no merits in the present writ petition, inasmuch as the impugned communication has clearly stated that there is no question of grant of any special privilege in the absence of any order under Section 63 (e) of the Tamil Nadu HR & CE Act, 1959. That apart, the learned counsel for the 2nd respondent submits that the Fit Person was appointed in the year 2011 and the temple festivals are conducted under the supervision of the 2nd respondent/Fit Person. It is further submitted that the petitioner's father has filed O.A.No.12/17, which is pending before the 1st respondent/the Joint Commissioner, Sivagangai and suppressing the above fact, the petitioner has filed this writ petition.

5.By way of rejoinder, the learned counsel for the petitioner submits that the petitioner had given a representation on 28.03.2022. However, the impugned order has been passed on 01.04.2022 with a view to deny the customary rights given to the petitioner's family. It is further submitted that the temple festival is to be held on 10.04.2022.

6.I have considered the arguments of the learned counsel for the petitioner, learned Special Government Pleader for the 1st respondent and the learned counsel for the 2nd respondent and I have perused the impugned communication dated 01.04.2022 of the 2nd respondent/the Fit Person appointed by the HR & CE Department.

7.The petitioner ought to have disclosed the fact that already an application is pending before the 1st respondent in O.A.No.12/17 at the behest of the petitioner's father. Therefore, it would not be proper for this Court to pass any orders conferring any special privilege to the petitioner or petitioner's family.

8.Under these circumstances, I am inclined to dispose of this writ petition by directing the 1st respondent/the Joint Commissioner, Sivagangai to consider the application in O.A.No.12/17 filed by the petitioner's father by impleading all the legal heirs of the petitioner's father in the impleading petition and pass appropriate orders on merits and in accordance with law by considering the representation of the petitioner dated 28.03.2022, as expeditiously as possible preferably within a period of 1 month from the date of



festival, there is a clarity as to whether the petitioner or any other members of the family is entitled for such privilege.

9.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mm

To

The Joint Commissioner,
Hindu Religious & Charitable, Endowments Department,
Sivagangai District.

+1 CC to M/s.V. NAGENDRAN, Advocate (SR-17091[F] dated 07/04/2022)

+1 CC to M/s.R. SHANKAR GANESH, Advocate (SR-17344[F]
dated 07/04/2022)

W.P. (MD) No.6490 of 2022
07.04.2022

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