



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2022**

CORAM:

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

W.P. (MD) No.7035 of 2022

Manikandan

... Petitioner

/vs./

1.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Alagarkovil, Madurai District.

2.Karuppusamy

3.Palanikumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to permit the petitioner to conduct the Mandahapadi of his turn, namely Palanikon Mandahapadi on 16.04.2022 at Vandiyoor, Madurai District.

For Petitioner : Mr.K.Rajeshwaran
For R1 : Mr.K.R.Laxman

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the 1st respondent to permit the petitioner to conduct Mandahapadi, namely Palanikon Mandahapadi on 16.04.2022 at Vandiyoor, Madurai District.

2.It appears that there is a private dispute between the petitioner and the respondents 2 and 3. It is the specific case of the petitioner that in 2006 Mandagapadi was conducted jointly by the two families. Thereafter, there was a dispute among themselves. It is submitted that after 2019 ie., for more than 2½ years due to the outbreak of COVID-19 pandemic, there was no Mandagapadi conducted. It is submitted that the petitioner's family is entitled to such rights this year.

3.The learned counsel for the 1st respondent on the other hand submits that the District Collector and the Commissioner of HR & CE are not a party in this proceedings. It is submitted that every year there is a peace committee meeting, pursuant to which such permission has been granted. It is further submitted that there is a law and order problem because of the enmity between the petitioner and the respondents 2 and 3 and therefore, it would not be possible to allow the parties to conduct the Mandagapadi.



4.I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the 1st respondent. I have also perused the documents furnished by the learned counsel for the petitioner.

5.The petitioner has to resolve the dispute in a manner known to law by getting a suitable declaration from a civil Court. It is not open for the petitioner to rush to the Court at the last moment and ask for an ex parte order behind the back of the respondents 2 and 3. Considering the same, I am inclined to dismiss this writ petition. It is open for the petitioner to work out appropriate remedy before the civil Court for the ensuing temple festival.

6.The writ petition stands dismissed, in terms of the above observations. No costs.

Sd/-

Assistant Registrar (Writ)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Mm

To

The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Alagarkovil, Madurai District.

+1 CC to M/s.K. RAJESHWARAN, Advocate (SR-18645[F] dated 13/04/2022)

+1 CC to M/s.K.R. LAXMAN, Advocate (SR-18647[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18944[F] dated 18/04/2022)

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SR(CO)
KB(10.05.2022) 2P 5C