



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.8838 of 2019

and

W.M.P. (MD) Nos.6855 and 6856 of 2019

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K.Veerapandiyathevar

... Petitioner

/vs./

1.The Commissioner,

Hindu Religious and Charitable Endowment Department,
Chennai 600 034.

2.The District Collector,

Virudhunagar District,
Virudhunagar.

3.The Joint Commissioner,

Hindu Religious and Charitable Endowment Department,
Sivagangai 630 561.

4.The Tahsildar,

Thiruchuli Taluk,
Virudhunagar District.

5.The Ramanathapuram Devasthanam,

through its the Diwan and Management Secretary,
Ramanathapuram.

6.The Executive Officer,

Arulmigu Sagayavalli Sametha Sri Boominathar Temple,
Thiruchuli,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the 3rd respondent vide his proceedings in Na.Ka.No.2194/2018/A2, dated 31.10.2018 and quash the same as illegal and consequently direct the respondents to accept the donations from the public to buy an Elephant and to gift the same to the Arulmigu Sagayavalli Sametha Sri Boominathar Temple situated at Thiruchuli Taluk, Virudhunagar District.

For Petitioner : No appearance

For R1 to R4 : Mr.P.T.Thiraviam
Government Advocate

For R5 : Mr.S.Ramesh



ORDER

Though the case has been listed today under the caption "for dismissal", there is no representation on behalf of the petitioner today.

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2.The petitioner, who is a devotee of Arulmigu Sagayavalli Sametha Sri Boominathar Temple and had filed an application before the 3rd respondent herein, namely, Joint Commissioner to permit the petitioner to collect donation from public for taking elephant to the temple.

3.By the impugned order, dated 31.10.2018, the 3rd respondent has rejected the request of the petitioner stating that there is no provision for allowing the 3rd respondent to collect money for donation and therefore, the request of the petitioner was rejected.

4.On behalf of the 5th respondent, the learned counsel submits that the temple is situated in a dry land and there is no water facility for maintaining the Elephant in the temple. It is further submitted that the cost of maintaining the Elephant is also very high and it is not possible to maintain an Elephant even if an Elephant is gifted and hence, prays for the dismissal of the writ petition.

5.The learned Government Advocate for the respondents 1 to 4 reiterated the submissions of the learned counsel for the 5th respondent. It is submitted that in any event, the petitioner has a remedy by way of an appeal and therefore, he submits that even on this count, the writ petition is liable to be dismissed.

6.Heard the learned counsels on either side.

7.It appears that the temple cannot be provided with an Elephant, particularly when the temple has no means to maintain the Elephant and in the light of the above fact that the temple is situated in a dry land without sufficient water facilities to maintain the Elephant in the temple. The writ petition therefore stands dismissed both on merits and for non-prosecution. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai 600 034.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai 630 561.

4.The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-7863[F] dated
22/02/2022)

+1 CC to M/s.SPL GP (SR-7489[F] dated 21/02/2022 & SR-8029[F]
dated 23/02/2022)

W.P. (MD) No.8838 of 2019
22.02.2022

MGJ(08.03.2022) 3P 7C