



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P. (MD)No.13670 of 2022

M.Chokkanathan ... Petitioner
Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.
3. The Diwan-cum-Administrative Officer,
Ramanathapuram Samasthanam and Devasthanam,
Ramanathapuram.

4. Chandrasekaran ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the third respondent Devasthanam to conduct the second day Mandagapadi in Kasi Chettiar Charitable Trust Place (Kalmandapam), where the necessary Poojas of the second day Mandagapadi be performed by the third respondent Devasthanam in the presence of the petitioner as well as the fourth respondent and after performing the Poojas, the third respondent can bring back the Deity to the Temple in the light of the order passed in W.P.(MD).No.15175 of 2019 dated 04.07.2019.

For Petitioner : Mr.K.Sivabalan
For Respondents : Mr.M.Lingadurai
Spl. Govt. Pleader for R1 & R2
Mr.S.Ramesh
Standing counsel for R3

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the third respondent Devasthanam to conduct the second day Mandagapadi in Kasi Chettiar Charitable Trust Place (Kalmandapam), where necessary Poojas of the second day Mandagapadi be performed by the third respondent Devasthanam in the presence of the petitioner as well as the fourth respondent and after performing the Poojas,



the third respondent can bring back the Deity to the Temple in the light of the order passed in W.P.(MD).No.15175 of 2019 dated 04.07.2019.

2. The contention of the petitioner is that 'Sri Kasi Chettiar Vanniyar Madam Trust' was originally founded by Kasi Chettiar, who is the great grandfather of the petitioner's father, Muthuramalingam. The said Kasi Chettiar endowed his properties in favour of the above Trust which includes shops and Mandapam etc., One of the services of the above Trust is to perform second day Mandagapadi in Sri Kothandarama Swamy Temple at Ramanathapuram during Aani Thirumanjanam festival every year. During his lifetime, the said Kasi Chettiar had managed the trust properties and was conducting the second day Mandagapadi during Aani Bramotshavam of Sri Kothandarama Swamy Temple, Ramanathapuram. On the second day of the said Mandagapadi, the Deity will halt in the Mandapam during procession and the expenses were met out exclusively by the said Kasi Chettiar.

3. Kasi Chettiar had executed a registered Will on 17.12.1915, under which, he had created the above Trust and had also declared the exclusive right and authority over the honour during the second day Mandagapadi as well as the collection of rents. The said Trust was under his control and management during his lifetime. In the Will, it has been clearly mentioned that the expenses for the second day Mandagapadi has to be borne out of the rental income from the properties of the said Kasi Chettiar and after his lifetime, his sons and grandsons have to perform the same as Hereditary every year by way of rotation. The said Kasi Chettiar had two wives and his first wife had a son, namely, Chokkanandi and his second wife had a son, namely, Narayanan. The said Kasi Chettiar died in the year 1923. The said Chokkanandi had two sons, namely, Subramanian and Gnanapathy and the said Narayanan had two sons, namely, Mariappan and Gurusamy. The said Subramanian had three sons, namely, Ramasamy, Muthuramalingam, i.e., father of the petitioner and the said Ganapathy had married two wives, but he had no issue out of the wedlock.

4. The said Ramasamy had no issue and he had expired on 18.05.2003 and after the death of the said Ramasamy, his wife Balambal @ Kanniga Parameshwari adopted one Chandrasekar / fourth respondent as her son without following any adoption procedure. After the demise of the said Kasi Chettiar, the second day Mandagapadi rights were held by the petitioner's grandfather, namely, Subramanian and after his death in the year 1963, the same was conducted by the elder brother of the petitioner's father Ramasamy Chettiar. Thereafter, the petitioner's father performed the Mandagapadi in the year 1975. The said Ganapathy Chettiar had no issues and adopted one Vijaya as his daughter and out of the wedlock between Vijaya and A.P.Subramanian, one Balakrishnan was born. As



alone can administer the Trust and therefore, the son born through the adopting daughter of Ganapathy Chettiar had no right over the administration of the Trust. The said Ganapathy Chettiar had executed a registered Will in favour of Balakrishnan bequeathing his right to perform the second day Mandagapadi after his lifetime. The said Will has no authority under law and the said Ganapathy Chettiar has no right to execute the said Will and the same was executed against the wish of late Kasi Chettiar will not bind the petitioner and his father.

5. The said Ramasamy Chettiar has executed an agreement, dated 14.11.1997 in favour of the petitioner's father Muthuramalingam to administer the entire Trust property. When the respondents 1 and 2 made an attempt to interfere with the rights of the Trust of the second day Mandagapadi alleging that the same is a Kattalai attached to the temple, the petitioner's forefathers filed O.A.No.10 of 1973 under Section 63(A) of Tamil Nadu Hindu Religious and Charitable Endowments Act before the Deputy Commissioner of Hindu Religious and Charitable Endowments Department, Chennai and the said O.A. was allowed on 23.07.1973 holding that Sri Kasi Chettiar Vanniyar Madam Trust is a non-religious institution and the said order has become final.

6. The petitioner's father filed a petition in O.A.No.8 of 2015 on the file of the second respondent to allow him to exercise the exclusive right of second day Mandagapadi during Aani Thirumanjanam at Ramanathapuram Arulmighu Kothandarama Swamy Temple. The second respondent directed that the right to perform the second day Mandagapadi need not be given to both parties. Thereafter, an order made in Na.Ka.No.A1/553/2003 dated 26.06.2003 by the Diwan of Ramanathapuram Samasthanam is not valid in law and unsustainable.

7. Challenging the said order of the second respondent, the said Chandrasekaran / fourth respondent and one Balakrishnan have filed an Appeal in A.P.No.7 of 2018 on the file of the first respondent against the petitioner's father and the same is pending as on date. During the pendency of the said Appeal, the petitioner's father died on 23.10.2018 and the petitioner has been brought on record as male legal representative and he is continuing the said proceedings on behalf of his father. The said Appeal was disposed of by the first respondent on 07.06.2020 by remanding the matter for fresh consideration. Till now, the claim of the right by the petitioner and the fourth respondent to conduct the second day Mandagapadi is existing. During 2019, the petitioner was not permitted to conduct the second day Kattalai. Hence, he had filed W.P.(MD)No.14176 of 2019. This Court directed the third respondent to dispose of the representation dated 12.06.2019 on or before 02.07.2019.

8. Following the same, the said Chandrasekar has challenged the Court in W.P.(MD)No.15175 of 2019 and the same was



disposed of on 04.07.2019 and the directions have been issued by this Court. The same is extracted hereunder:

"(1) The second day Mandagapadi of Sri Kothandaramaswami Temple at Ramanathapuram scheduled to be conducted, i.e., on 05.07.2019 shall be performed by the third respondent Devasthanam, as they decided in the impugned order, however, instead of conducting the second day Mandagapadi in the temple itself, let the Deity be taken as a procession to the Kasi Chettiar Charitable Trust Place (Kal Mandapam), where the necessary poojas of second day Mandagapadi be performed by the third respondent Devasthanam in presence of both the petitioner as well as the fourth respondent and after performing the poojas, the third respondent Devasthanam can bring back the Deity to the Temple, as per the usual procedure.

(2) Neither the petitioner nor the fourth respondent can claim any special privilege during the performance of the Mandagapadi as indicated above.

(3) Since some apprehension has been raised by the learned counsel for the third respondent Devasthanam that, despite this order, if any untoward is taken place, it will create law and order problem and in order to tackle the same, minimum police force atleast is necessary in the spot, therefore, he seeks suitable orders to be passed by this Court.

(4) Considering the same, a direction is given to the Inspector of Police, Bazaar Police Station, Ramanathapuram to give adequate Police protection for performing the second day Mandagapadi.

(5) It is also made clear that, if the police people find any violation of any party against this order, it is open to the police force to take action in accordance with law against the erring persons.

(6) The impugned order is modified or partly set aside to the term indicated above."

9. The learned counsel for the petitioner submits that the Aani Brahmotsavam festival in Arulmigu Kothandarama Swamy Temple, Ramanathapuram, for this year is to be conducted from 29.06.2022 to 09.07.2022. He has given a representation on 07.06.2022 to the third respondent and the third respondent is yet to consider the same and take a decision in this regard. On the other hand, the third respondent again has to take the stand that he would perform the second day Mandagapadi within the premises of Temple without giving any opportunity or written communication to anybody. He further submits that the legal dispute in respect of the right to perform the second day Mandagapadi is still pending. Hence, the arrangement made in the year 2019 has to be continued for smooth conduct of the



10. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the only apprehension of the authorities is that during performance of the second day Mandagapadi in Kasi Chettiar Charitable Trust Place (Kalmandapam), there should not be any commotion between two rival groups, thereby disturbing the peace and serenity of the religious function.

11. The learned Standing Counsel for the third respondent Devasthanam submitted that the petitioner's representation has been received and considered. The Devasthanam shall follow the procedure adopted in the year 2019 as per the order of this Court in W.P. (MD)No.15175 of 2019.

12. The only apprehension is that there should not be any rival claim by the petitioner and the fourth respondent and they should participate and ensure the second day Mandagapadi with all due care to be conducted in a peaceful manner.

13. In view of the same, this Court directs the respondents 1 to 3 to follow the direction issued by this Court in the earlier Writ Petition in W.P. (MD)No.15175 of 2019 and the same procedure is to be followed. It is made clear that it is only an interim arrangement till the disposal of the issue, leaving the rival contentions of the petitioner and the fourth respondent to be agitated before the appropriate forum.

14. With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

30/06/2022

Sub Assistant Registrar (CS)

vji

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.



3. The Diwan-cum-Administrative Officer,
Ramanathapuram Samasthanam and Devasthanam,
Ramanathapuram.

+1 CC to M/s.K. SIVABALAN, Advocate (SR-29179[F] dated 30/06/2022)

+1 CC to M/s.SPL.GP (SR-29034[F] dated 30/06/2022)

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29.06.2022

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