



W.P.(MD) No.13817 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD) No.13817 of 2022

and

W.M.P.(MD)No.9818 of 2022

S.Athinamilagi

... Petitioner

vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai, Sivagangai District.

2.The Superintendent of Police,
Sivagangai District.

3.The Manager,
Sivagangai Devasthanam,
Sivagangai, Sivagangai District.

4.The Tahsildhar,
Taluk Officer,
Karaikudi Taluk,
Sivagangai District.

5.The Inspector of Police,
Kallal Police Station,
Sivagangai District.

6.Periyasamy

... Respondents



W.P.(MD) No.13817 of 2022

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1, 3 and 4 to issue necessary orders for conducting the Panangudi Arulmigu Sree Periyannayagamman Temple, Aani Festival scheduled to be held commencing from 03.07.2022 onwards and more particularly on 07.07.2022, the 5th day Mandagapadi, Rettai Kalanji, Parivattam and the connected rights to be provided to the petitioner as per the agreement entered with the first respondent office on 09.06.1932 and also to direct the respondents 2 and 5 to provide adequate police protection during the time of the festival and for other reliefs.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.P.T.Thiraviam
Government Advocate (for RR1, 2, 4 and 5)

Mr.S.Mathavan
Standing Counsel (for R3)

ORDER

The writ petition has been filed in the nature of Writ of Mandamus, seeking a direction to the respondents 1, 3 and 4 to issue necessary orders for conducting the Panangudi Arulmigu Sree Periyannayagamman Temple, Aani Festival scheduled to be held from 03.07.2022 onwards and more particularly on 07.07.2022, the 5th day Mandagapadi, Rettai Kalanji, Parivattam and the connected rights to be provided to the petitioner as per the agreement entered



W.P.(MD) No.13817 of 2022

with the first respondent office on 09.06.1932 and also direct the respondents 2 and 5 to provide adequate police protection during the time of the festival.

2.The learned counsel for the petitioner would submit that there was a dispute between the rival claimants in the peace committee meeting, which was held on 28.06.2019, in which, it was decided and recorded that as per the orders of the first respondent, the 5th day Mandagapadi would be performed. He would further submit that there are three claimants for the Mandagapadi, one from Ambalakaran group, another from Periyasamy Ambalam and third from Muthu Ambalam. The petitioner belongs to Ambalakaran group. Each group has given one year Mandagapadi right and this year, the petitioner is entitled for the same and the last year, Muthu Ambalam group has received the Mandagapadi rights. He would further submit that the three groups have jointly filed a petition before the first respondent under Section 63(e) of the HR & CE Act in O.A.No.10 of 2017, which is still pending. In view of the same, there is no rivalry between them and some third persons projected that as those there is rivalry and the Mandagapadi rights have been denied to them. Hence, the petitioner filed the present petition with the above said prayer.



W.P.(MD) No.13817 of 2022

WEB COPY

3.Mr.P.T.Thiraviam, learned Government Advocate appearing for the respondents 1, 2, 4 and 5 would submit that there was a dispute between the rival claimants for the Mandagapadi right and O.A.No.10 of 2017 is pending on the file of the first respondent. From the year 2017, no group has been given honour on the Mandagapadi day and the third respondent receives the honour in view of the dispute.

4.Mr.S.Mathavan, learned Standing Counsel appearing for the third respondent would submit that the petitioner is claiming right on agreement entered in the year 1932. After amendment of the HR & CE Act, 1959, any right or privileges enjoyed by any person has to be declared and approved by the first respondent. In this case, the petitioner has approached the first respondent, pending O.A.No.10 of 2017, in the meanwhile, there has been rivalry between the groups and hence, to avoid complicity and discrimination, now the Mandagapadi honours has been given to the concerned Superintendent.

5.Considering the same, there are rivalry between three groups, till the same is decided in O.A.No.10 of 2017, this Court is not inclined to pass any orders in this petition. The petitioner is directed to get appropriate orders in



W.P.(MD) No.13817 of 2022

O.A.No.10 of 2017 pending on the file of the first respondent, which would be implemented.

6.With the above observations, the Writ Petition stands disposed. No costs.
Consequently, connected miscellaneous petition is closed.

01.07.2022

Index : Yes / No
Internet : Yes / No
sji

Note: (i) **Issue order copy on 04.07.2022.**

(ii) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai, Sivagangai District.
- 2.The Superintendent of Police,
Sivagangai District.
- 3.The Tahsildhar,
Taluk Officer,
Karaikudi Taluk,
Sivagangai District.



WEB COPY



W.P.(MD) No.13817 of 2022

M.NIRMAL KUMAR, J.

sjj

4.The Inspector of Police,
Kallal Police Station,
Sivagangai District.

W.P.(MD) No.13817 of 2022
and
W.M.P.(MD)No.9818 of 2022

01.07.2022