



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.03.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

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Writ Petition (MD) Nos.17452 of 2019 and 20091 of 2018
and
W.M.P.(MD) No.13939 of 2019 in W.P.(MD)No.17452 of 2019
and
W.M.P.(MD)No.17848 of 2018 in W.P.(MD)No.20091 of 2018

W.P. (MD) No.17452 of 2019:-

A.Chinnaiah

.. Petitioner

Versus

- 1.The Commissioner of Hindu Religious and Charitable Endowments,
Nungambakkam, Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Ellis Nagar, Madurai.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Ellis Nagar, Madurai.
- 4.The Revenue Divisional Officer,
Melur, Madurai District.
- 5.The Tahsildar,
Melur Taluk, Madurai District.
- 6.Executive Officer/Fit Person,
Arulmigu Kalamegam Perumal Thirukoil,
Thirumohur, Othakadai, Madurai.
- 7.Vijayaraghavan, S/o.Natarajan

8.N.A.Chandran

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents 3 to 6 from granting any permission to the seventh respondent or any other person for conduct of Aadi festival in Nevulinatha Ayyanar Temple, E.Malam Patti Village, near Keelavalavu, Melur Taluk, Madurai District.



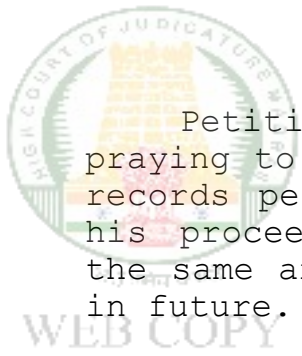
For Petitioner : Mr.S.Vellachamy
For R1 to R5 : Mr.P.T.Thiraviam
Government Advocate
For R6 : Mr.G.Mathavan
For R7 : Mr.R.Aravindraaj
For R8 : Mr.S.Manohar

W.P. (MD) No.20091 of 2018:-

A.Chinnaiah .. Petitioner

Versus

- 1.The Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai.
- 2.The Commissioner of Hindu Religious and
Charitable Endowments,
Nungambakkam, Chennai.
- 3.The Joint Commissioner of Hindu Religious and
Charitable Endowments,
Ellis Nagar, Madurai.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Ellis Nagar, Madurai.
- 5.The Revenue Divisional Officer,
Melur, Madurai District.
- 6.The Tahsildar,
Melur Taluk, Madurai District.
- 7.Executive Officer/Fit Person,
Arulmigu Kalamegham Perumal Thirukoil,
Thirumohur, Othakadai, Madurai.
- 8.Vijayaraghavan, S/o.Natarajan
- 9.N.A.Chandran .. Respondents
[R9 impleaded vide order dated 05.09.2019, made
in W.M.P.(MD)No.13958 of 2019 in W.P.(MD)
No.20091 of 2018]



Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the fifth respondent in his proceedings in Na.Ka.Enn.4551/2018/C, dated 12.08.2018, quash the same and forbear the respondents from granting such permissions in future.

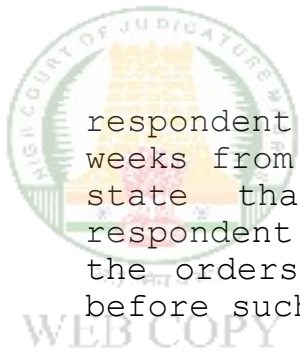
For Petitioner : Mr.S.Vellachamy
For R1 to R6 : Mr.P.T.Thiraviam
Government Advocate
For R7 : Mr.G.Mathavan
For R8 : Ms.B.Asha
For R9 : Mr.S.Manohar

COMMON ORDER

After hearing the learned counsel for the parties and perusing the impugned order dated 12.08.2018, it is noticed that both these writ petitions have become infructuous and therefore, they are liable to be dismissed. It is noticed that the petitioner has filed an application before the Joint Commissioner under Section 64 of the Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the H.R. & C.E. Act'] in O.A.No.13 of 2015. It has not received any attention so far. Similarly, the proceedings initiated by the eighth respondent in O.A.No.17 of 2002 under Section 63(6) of the H.R. & C.E. Act is still inconclusive in view of the remand orders. The dispute in the complaint of the petitioner appears that the Nevulinatha Ayyanar Temple festival is conducted in the Tamil month of 'Panguni' called 'Puravi Eduppu Thiruvizha [புரவி எடுப்பு திருவிழா]' and that no festival is conducted during the Tamil month of 'Aadi' between 15th July to 15th August. However, the eighth respondent has been conducting Aadi festival contrary to the customs.

2.Whether such practice exists or does not exist cannot be decided under Article 226 of the Constitution. The fact also remains that there are rival proceedings mentioned above, which are pending as on date before the Joint Commissioner.

3.Considering the above, while dismissing the writ petitions, I direct the third respondent - Joint Commissioner herein to consider and pass appropriate orders in O.A.No.17 of 2002 filed at the behest of the eighth respondent under Section 63(6) of the H.R. & C.E. Act and in O.A.No.13 of 2015 filed by the petitioner under Section 64 of the H.R. & C.E. Act for framing a scheme of the Temple. The third



respondent shall complete the said exercise within a period of six weeks from the date of receipt of a copy of this order. Needless to state that the petitioner, eighth respondent and the ninth respondent and any other parties, who may likely to be affected by the orders to be passed by the Joint Commissioner, shall be heard before such orders are passed.

4. These Writ Petitions are dismissed with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Secretary to Government,
Government of Tamil Nadu, Fort St. George, Chennai.

2. The Commissioner of Hindu Religious and
Charitable Endowments,
Nungambakkam, Chennai.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Ellis Nagar, Madurai.

4. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Ellis Nagar, Madurai.

5. The Revenue Divisional Officer,
Melur, Madurai District.

6. The Tahsildar, Melur Taluk, Madurai District.

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-11387[F] dated
11/03/2022)

+1 CC to M/s.SPL GP (SR-11527,SR-11539[F] dated 11/03/2022)

+1 CC to M/s.S.MANO HAR, Advocate (SR-11457[F] dated 11/03/2022)

Writ Petition (MD) Nos.17452 of 2019 and 20091 of 2018
10.03.2022

RD(24.03.2022) 4P 10C

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