



W.P(MD).No.17651 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

CORAM

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

W.P(MD).No.17651 of 2022

and

W.M.P.(MD).Nos.12857 and 12858 of 2022

S.Ramachandran

... Petitioner

**Vs.**

1.The Commissioner,  
Hindu Religious and Charitable Endowment Board,  
No.119, Uthamar Gandhi Street,  
West Thousand light,  
Nungambakkam,  
Chennai – 600 034.

2.The Joint Commissioner,  
Hindu Religious and Charitable Endowment Board,  
Madurai Region,  
Ellis Nagar,  
Madurai – 625 016.

3.The Deputy Commissioner/Executive Officer,  
Arulmigu Kallalagar Thirukovil,  
Alagar Kovil,  
Melur Taluk,  
Madurai District – 625 301.

4.Sethuraghavan

... Respondents



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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Proceedings in Na.Ka.1498/2022/A4 dated 27.07.2022 to quash the same and consequently issue direction directing the second and third respondents to permit the petitioner to chair on the left side corner of the cart in order to get first Honour of Aadi Bramotchava Thiruther festival as per the rights declared by the learned District Judge, Madurai in O.S.No.14/1952 dated 24.12.1953.

For Petitioner : Mr.M.Chandra Sekaran

For R-1 and R-2 : Mr.P.T.Thiraviam,  
Government Advocate.

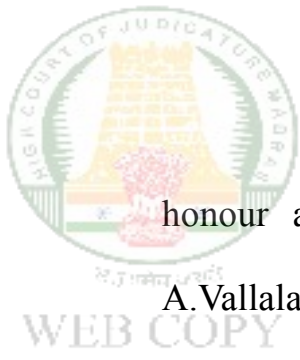
For R-3 : Mr.K.R.Laxman,  
Standing Counsel.

For R-4 : Mr.Nagendran

### **ORDER**

The petitioner questioning the illegality in the order passed by the third respondent in Na.Ka.1498/2022/A4 dated 27.07.2022 had filed this quash application.

2. The contention of the petitioner is that a compromise decree and a scheme has been formulated in O.S.No.14 of 1952 dated 24.12.1953 by the learned District Judge, Madurai. As per the scheme, the right of receiving the



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honour and the emoluments shall be enjoyed by the Ambalakarars of A.Vallalapatti Village, Arittapatti group villages, Kidarapatti group villages and Mangulam Villagers, by turns in rotation every year pursuant to the order dated 05.07.1951 made in O.A.No.353 of 1950 and the Ambalakarars were entitled to receive the emoluments viz., 60 Madras Measures of rice, two thosais, cash of Rs.10/- and Rs.125/- paid by Devasthanam in lieu of (Sheep) and divide them into four shares and pay one share each to the main villages mentioned above. Thereafter, the villagers shall divide and take the share among themselves as per the customs. The Ambalakarars of these villages were also agreed upon and as per the order, the Ambalakarar of Kalla Nadu during the year 1954, Ambalakarar of Aritapatti in the year 1955, Kidaripatti group in the year 1956 and Mangulam in the year 1957 and every fourth year thereafter. This scheme has been followed without any hindrance upto the year 2019. For the year 2020 and 2021, due to the pandemic situation, the Aadi Bramotchava Thiruther festival could not be held. This year, the festival has commenced yesterday (04.08.2022) and the third festival is on 12.08.2022 on which date the honour and emoluments to be handed over to the respective Ambalakarars in turn. This being so, the Deputy Commissioner/the Executive Officer of the temple Arulmighu Kallalagar Thirukovil, by his impugned order had given the turn of this year honour to Sethuraghavan of



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A.Vallalapatti village instead of S.Ramachandran of Kidaripatti. For the past two years, though the festival has not taken place, the petitioner's turn got elapsed is the reasoning of Executive Officer. Further he referring to a letter, dated 06.06.2022, had given no objection for extending honour to A.Vallalapatti group, Ambalakarar. Further, the petitioner had sent a representation to the Executive Officer of the Temple/the Joint Commissioner, Madurai on 01.07.2022. The petitioner submits that the letter dated 06.06.2022 has been obtained on a false promise, which later the petitioner came to know and had sent a recall of the letter by representations, dated 28.06.2022 and 01.07.2022, which was not considered. Thereafter, no enquiry conducted to confirm and ascertain the veracity of the earlier no objection letter and order came to be passed on 27.07.2022. In all fairness, the Deputy Commissioner/the Executive Officer ought to have called for further enquiry to ascertain the veracity of the letter, dated 06.06.2022 as well as the petitioner's representations, dated 28.06.2022 and 01.07.2022. Thereafter, appropriate decision to be taken. Hence, the impugned order to be quashed.

3. The learned counsel for the petitioner further submits that as regards the honour and emoluments, the Executive Officer cites that the right of the



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petitioner got elapsed due to corona, on the contrary, for others sitting in the corner of the chariot, it is followed otherwise.

4. The learned Standing Counsel appearing for the third respondent submits that as regards the sitting in the corner also, it has been done only on mutual consent and not with any motive. He further submits that the impugned order came to be passed, not only considering the two years of non conducting of the festival, apart from it, the petitioner's group Village and other two groups have given a letter, dated 06.06.2022 and thereafter, considering no objection of the other three groups, the order has been passed. This festival has been going without any disturbance and hindrance from the year 1954 till 2019.

5. The learned Standing Counsel for the third respondent further submits that due to the no objection letter given by the other groups, this year also the honour of right was given to the fourth respondent. Further the third respondent was fair in considering the representation of the petitioner. The third respondent, after going through the representation as well as on consultation, passed the order. Even today, if the four groups agreed together and agreed to accept the honour from one among them, mutually, the third



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respondent has no objection. The present situation arose only because of the no objection letter given by the three groups in favour of the fourth respondent which is now stated to be withdrawn. Even now, the third respondent would take steps to call all the four groups and to facilitate a consultation among them, if they are willing for a compromise. The only endeavour of the third respondent is that the festival has to be conducted in a fair and free manner, without any obstacle or disturbances.

6. The learned Government Advocate appearing for the first and second respondents submitted that they will take all earnest steps to resolve the issue and if any resolvent does not take place, appropriate orders will be passed. He further submits that the third respondent on considering the representation made by all the groups, shall pass appropriate orders. The fourth respondent had made all arrangements for the function. At this stage, if he is denied the right, he would be put to undue sufferings. Further, in the interest of temple and for the successful conduct of the function and since the issue is among the same clan, he would also participate for compromise if it is agreeable to all.

7. I have considered the matter in the light of the submissions made by all the learned counsels for the parties and perused the records.



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8. Perusal of the records reveals that though the petitioner and the respondents agreed for a compromise, the time available is very short. The honouring of the Ambalakarars have to be done on 12.08.2022 either by way of compromise or by way of orders passed by the authorities, it has to be done well before that. In view of the same, the second and third respondents to take all earnest steps to resolve the issues amicably where the petitioner and other Ambalakarar groups to participate. In the event of failure of compromise, the first respondent to pass orders invoking Section 21 of the Hindu Religious and Charitable Endowments Act and the orders to be passed on or before 10.08.2022.

9. This Court directs the second and third respondents to convene a meeting on or before 07.08.2022. It is made clear that the petitioner as well as the fourth respondent and other two groups are to co-operate with the officials so that the festival is conducted in peace and harmony. In the event of rival claim between the groups, the Superintendent of Police, Madurai is advised to take appropriate steps and to provide adequate police force for conducting the festival in a peaceful manner.



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10. With the above directions, this Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**05.08.2022**

Index : Yes / No

Internet : Yes/ No

Nsr

**Note: Issue Order Copy on 05.08.2022.**

To

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**M.NIRMAL KUMAR, J.**

Nsr

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