



W.P.(MD)No.18845 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.08.2022

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.18845 of 2022
and
W.M.P.(MD)No.13749 of 2022

1.V.Kalyani Yadav
2.N.Sankaralingam Yadav
3.S.Selvamani Yadav

.. Petitioners

Versus

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai – 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Millerpuram, Thoothukudi District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Azhagesapuram Main Road,
Thoothukudi.

4.The Executive Officer,
Sri Arulmigu Karkkuvel Ayyanar Thirukovil,
Theri Kudiyiruppu, Kuthiraimozhi Village,
Kayamozhi Post, Tiruchendur Taluk,
Thoothukudi District.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the fourth respondent or her agents or her subordinates from demolishing Yadava Community people's



W.P.(MD)No.18845 of 2022

buildings and also not to alter the physical features of the above said buildings situated in the northern and southern side of the Temple within the precincts of Karkkuvel Ayyanar Temple, Theri Kudiyiruppu, Kuthiraimozhi Village, Tiruchendur Taluk, Thoothukudi District, by considering the petitioners' representation dated 08.08.2022.

For Petitioners	:	Mr.M.P.Senthil
For R1 to R3	:	Mr.M.Lingadurai Special Government Pleader
For R4	:	Mr.M.Muthugeethayan Standing Counsel

ORDER

The petitioners sent a representation dated 08.08.2022 to the authorities to consider their grievance and objections.

2.The contention of the petitioners is that Arulmighu Karkkuvel Ayyanar Temple is located at Theri Kudiyiruppu, Kuthiraimozhi Village, Tiruchendur Taluk, Thoothukudi District. The main festival will be conducted in the Tamil month of Karthigai. The Temple is in existence from time immemorial and the main deity of the Temple is Arulmigu Karkkuvel Ayyanar and there are 21 Parivara Deivangal (companion deities) in the Temple. In normal days, the Temple Poojas will be done by the Hereditary Poosari and the Temple is under the control of the H.R. & C.E. Department.



W.P.(MD)No.18845 of 2022

WEB COPY

3. The main Temple festival falls on 28, 29 and 30th of Karthigai. From time immemorial, for the three days, the Pooja for the main deity will be done by the Hereditary Poosari and for 21 Parivara Deivangal, the Pooja will be done by Yadava community people. However, the other community people also participate in the Temple festival and worship the deity. On the three days of the Temple festival, the Yadava community people will offer all the Poojas for 21 Parivara Deivangal and this is being followed from time immemorial. Insofar as one deity viz., Iyvar Raja is concerned, one of the Yadava community families from Palayamkottai offers Pooja in a hereditary manner. Further, the persons, who offers Poojas to the companion deities, will stay in the Temple itself, more specifically in the buildings, which have been constructed by them. On the 30th day of Karthigai, the final festival will be conducted and a ritual viz., Kallar Vettu will be performed. On all the three days, Annadhanam will be offered in the Temple. On 1st of Margali, Yadava community people alone will stay in the Temple and offer Poojas for the deities. The Yadava community people played a predominant role in constructing the Temple and developing the same. The above deity is the family deity for most of the Yadava community people, who hail from Tirunelveli and Thoothukudi Districts.



W.P.(MD)No.18845 of 2022

4.The petitioner filed a writ petition in W.P.(MD)No.18303 of 2020, seeking permission to participate in the Temple rituals. This Court, by order dated 11.12.2020, disposed of the writ petition with certain conditions. During the period of Karthigai festival, each community people used to store Pooja articles and their belongings in the buildings constructed by their forefathers inside the Temple. Further, as a customary practice, the community people used to prepare Neivedhyam, which will be offered for their family deity in the above said buildings, including 21 Parivara deivangal. This being so, the fourth respondent, all of a sudden, orally threatened to dispossess the petitioner and informed that they are going to demolish the above said buildings under the pretext of extension of the Temple premises. The fourth respondent is altering the physical structures of the Temple against the ritual practices and Aagamas. Further, the fourth respondent informed that they will earmark the land for the petitioners outside the Temple premises, which is situated at a distance of one kilometer away from the Temple. The Kumbabishekam is scheduled to be held on 01.09.2022. Hence, the petitioners have given their objections. Despite the same, the Temple authorities are continuing their forcible demolition. If all the buildings are demolished, the petitioners would be put to great hardship in preparing Neivedhyam for their family deity in the said building, including 21 Parivara Deivangal and forcing them to move away for more than one kilometer from the Temple. Hence, the



W.P.(MD)No.18845 of 2022

petitioners sent a representation, which was not considered. Hence, the present Writ Petition.

5.Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 3 submits that for the safety, security and betterment of the Temple, a compound wall has to be constructed. The Temple is located in a lonely place nearby a forest area. Further, Kumbabishekam is to be held on 01.09.2022. Hence, for making arrangements for Yagasalai and other arrangements, some of the dilapidated buildings have been demolished. Further, during the festival, more than three to four lakhs people will gather. For their safety and free movement, the obstructing buildings are demolished. Further, the Temple is maintained with Praharams, so that the procession of the deities could be carried on without any obstruction. For that reason alone, appropriate steps have been taken.

6.The learned Special Government Pleader further submits that the Temple is situated in a forest area, where Arulmigu Karkkuvel Ayyanar is the main deity and Poojas are performed by a Poosari from Pillaimar Community. Some of the public have given request for including other deities, which are at the stage of consideration. Only after getting concurrence from all the community people, the said request will be considered. As per the customs followed, regular Poojas will be conducted for the existing deities.



W.P.(MD)No.18845 of 2022

7.The fourth respondent filed a counter affidavit. The learned counsel for the fourth respondent produced photographs and submitted that the Temple is situated adjoining to the forest area. The Temple has 156 acres of land. There were 51 rooms constructed over a period of time within the Temple precincts, of which, 35 rooms are in occupation by Nadar community people, 14 rooms are in occupation by Yadava community people, 1 room is in occupation by Pillaimar community people and 1 room is in occupation by Asari community. These rooms are used by the respective community people when they come for annual festival, wherein, they used to stay with Pooja articles, perform Poojas and thereafter, hand over the key to the Temple administration. The rooms are all under the custody and control of the Temple administration.

8.The learned counsel further submits that now, the Kumbabishekam is scheduled to be held on 01.09.2022. For putting up Yagasalai, 8 rooms were demolished. Further, 12 persons belonging to Nadar community given their consent letter to hand over the rooms, requested to provide alternate place and they have also agreed to move one kilometer away from the Temple precincts, which is also a Temple land, where space are allotted to them, to facilitate them for conducting Poojas. All the 51 rooms are under the control and custody of the fourth respondent/Executive Officer. Now, the construction of



W.P.(MD)No.18845 of 2022

compound wall around the Temple is in progress. For Kumbabishekam, around 3 to 4 Lakhs people are expected to participate. For free movement of the devotees and avoiding mishap during Kumbabishekam and also taking into consideration the dilapidated condition of the rooms inside the temple, all the rooms have now been demolished. The Temple is ready to give alternate space, if the community people make a request on the terms of the Temple authorities. For the petitioners' present request of having a room nearby the Temple, for preparing Neivedhyam by the petitioners' group, it can be provided for this year alone. Further, the learned counsel submits that there is a claim and counter claim between the petitioners' group and other community people with regard to worship of Parivara Deivangal. The petitioners' group has no exclusive right as projected by them. It is a public Temple. All the community people can come and worship the deity and all will be given equal rights and priorities to conduct Poojas. The learned counsel further submits that 51 rooms, now razed down, alternate space will be provided on the conditions stipulated by the Temple authorities.

9.The learned counsel further submits that a request was made by the public to include more deities inside the Temple. Only after consultation with all the community people, the same can be done. Till such time, the old practice would be followed.



W.P.(MD)No.18845 of 2022

10.Considering the rival submissions and on perusal of the materials, this Court finds that now 51 rooms, which were inside the Temple belonging to Nadar, Yadava, Pillaimar and Aasari communities, now been razed down. Now, the dispute has been resolved, for the petitioners' group, a room will be allotted for this year alone. Thereafter, the Temple authorities after consultation with all the groups belonging to the different communities would arrive at a common consensus for allotting space away from the Temple. This would be done after completion of the festival.

11.With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed. It is made clear that the structure of the Temple cannot be changed without consulting all the community people.

Index : Yes/No

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W.P.(MD)No.18845 of 2022

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W.P.(MD)No.18845 of 2022

M.NIRMAL KUMAR, J.

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