



W.P.(MD)No.19505 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.08.2022

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.19505 of 2022
and
W.M.P.(MD)No.14236 of 2022

S.Veera Sakkammal

.. Petitioner

Versus

- 1.The Hindu Religious and Charitable Endowments Department,
Rep. By its Commissioner,
119, Uthamar Gandhi Street,
Nungambakkam,
Chennai – 34.
- 2.The District Collector,
Tuticorin District,
Tuticorin.
- 3.The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowments Department,
Tiruchendur,
Thoothukudi District.
- 4.The Superintendent of Police,
O/o. The Superintendent of Police,
Tuticorin District.
- 5.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Thiruchendur,
Tuticorin District.
- 6.The Tahsildar,
Thiruchendur Taluk Office, Tuticorin District.



W.P.(MD)No.19505 of 2022

7.M.Murugaboopathi

8.A.Senthil Kumar

9.R.Suburaj Soundar

10.B.Muruga Boopathi

11.S.Bommuchamy Naicker

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to forbear the respondents 7 to 11 from collecting any donation, taxes, claiming any special privileges or honour in the 9th day Avani Festival also known as Kattabomman Mandagapadi Vizhah at Arulmigu Subramaniaswamy Temple, Thiruchendur, Thoothukudi District, and consequently, direct the respondents 1 to 5 to permit the petitioner or in alternative direct the third respondent to conduct the 9th day Avani Festival at Arulmigu Subramaniaswamy Temple, Tiruchendur, Thoothukudi District on 25.08.2022 or on any other date.

For Petitioner : Ms.T.Seeni Syed Amma

For R1, R2 and R4 to R6: Mr.M.Lingadurai
Special Government Pleader

For R3 : Mr.M.Muthugeethayan
Standing Counsel

ORDER

The petitioner, who is claiming herself to be a descendant of Veerapandia Kattabomman, had sent a representation to the official respondents making complaint against the respondents 7 to 11, who are



W.P.(MD)No.19505 of 2022

collecting donations from the public for 9th day of Mandagapadi in the name of Veerpandia Kattabomman in Arulmigu Subramaniaswamy Temple, Tiruchendur, Thoothukudi District.

2.The complaint of the petitioner is that taking advantage of the petitioner's age about 80 years, the respondents 7 to 11 have claimed that the Kattalai belongs to them exclusively and are cheating the public making huge claims. They have also printed invitations in the name of Arulmigu Sri Veerasakkadevi Aalaya Kuzhu, Kattabomman Kottai, Panchalankurichi, and distributing pamphlets and collecting money from the public. To take appropriate action against them, the petitioner had sent representation. Further, the petitioner had filed an application in O.A.No.4 of 2022 under Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as "the H.R. & C.E. Act"] before the third respondent and the same is pending, in which, one Veemaraja @ Jagaveerapandiya Subramania Kattabommudurai is arrayed as first respondent.

3.Further, the learned counsel for the petitioner submitted that earlier, the said Veemaraja @ Jagaveerapandiya Subramania Kattabommudurai filed O.A.No.1 of 2004 before the Joint Commissioner, Tirunelveli, which was closed as not pressed on 06.08.2008. Thus, the persons mentioned in the



W.P.(MD)No.19505 of 2022

representation do not have any right in the Madam and they used the Kattabomman name and make collections for 9th day Mandagapdi.

4.Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1, 2 and 4 to 6 submits that for the past several years, the Mandagapadi is being conducted by the Temple authorities. Neither the petitioner nor Veemaraja @ Jagaveerapandiya Subramania Kattabommudurai or Sri Veerasakkadevi Aalaya Kuzhu, Kattabomman Kottai, Panchalankurichi are involved in the Mandagapadi. Already, the petitioner filed O.A.No.4 of 2022 under Section 63(e) of the H.R. & C.E. Act, which is pending. Only upon adjudication of the same, the right of the petitioner can be decided. As on date, 9th day Mandagapadi is conducted by the Temple by incurring its expenditure.

5.Mr.M.Muthugeethayan, learned Standing Counsel appearing for the third respondent submits that earlier, Veemaraja @ Jagaveerapandiya Subramania Kattabommudurai filed O.A.No.1 of 2004, which was closed as not pressed on 06.08.2008. Presently, the petitioner had filed O.A.No.4 of 2022. As regards 9th day Mandagapadi, it is conducted by the Temple authorities. Neither the petitioner nor her rival group is permitted and allowed to conduct 9th day Mandagapadi. Earlier, Sri Veerasakkadevi Aalaya Kuzhu,



W.P.(MD)No.19505 of 2022

Kattabomman Kottai, Panchalankurichi, had sent a representation seeking to pay the Mandagapadi amount, which was rejected finding that there have been rival claims and genealogy could not be properly proved and assessed. Finding that there is rival claim and possibility of commotion during the 9th day Mandagapdi, the third respondent had written a letter to the Inspector of Police to give protection, since valuable jewels are adorned to the deity. Further, no permission is being given to any individual to collect the amount and no receipts issued by the Temple authorities. The learned counsel further submits that the petitioner given representation on 20.08.2022, within two days, filed this Writ Petition.

6.Considering the rival submissions and on perusal of the materials, it is seen that 9th day Mandagapadi is now being held by the Temple authorities. The petitioner or her rival group *i.e.*, the members of Sri Veerasakkadevi Aalaya Kuzhu, Kattabomman Kottai, Panchalankurichi, have any Mandagapadi right. Further, the application in O.A.No.4 of 2022 filed by the petitioner under Section 63(e) of the H.R. & C.E. Act, is pending.

7.Recording the abovesaid submissions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No

24.08.2022



W.P.(MD)No.19505 of 2022

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W.P.(MD)No.19505 of 2022

M.NIRMAL KUMAR, J.

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