



W.P(MD).No.20198 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.20198 of 2022

K.Saravanan

... Petitioner

Vs.

1.The Commissioner,
HR and CE Department,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
HR and CE Department,
Dindigul.

3.The Inspector,
HR and CE Department,
Office at Sri Kailasanathar Kovil Temple,
Kovilpatty,
Natham-624401.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to give permission for the petitioner to raise construction of the Arulmigu Angala Easwari Temple, Near Mariamman Koil Street, Natham, within a specified period enabling the petitioner to do Kumbabishegam at Arulmigu Angala Easwari Temple for the welfare of his family and the



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society.

For Petitioner : Mr.Gomathi Panchatcharem

For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

This Writ Petition has been filed directing the respondents 1 and 2 to give permission for the petitioner to raise construction of the Arulmigu Angala Easwari Temple, near Mariamman Koil Street, Natham, within a specified period enabling the petitioner to do Kumbabishegam at Arulmigu Angala Easwari Temple for the welfare of his family and society.

2.Mr.P.T.Thiraviam, learned Government Advocate takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the petitioner had sent a representation to the first and second respondents, which was received on 20.07.2022 and 23.07.2022. Since no action has been taken, the present writ petition has been filed.



4. From the representation, it is seen that the petitioner had requested to conduct Kumbabishegam for Arulmigu Angala Easwari Temple, near Mariamman Koil Street, Natham. According to the petitioner, he and his family members for more than 200 years worship the temple. The temple got no private or public contribution. The Sivarathiri festival is conducted by the temple in a grand manner and family members of the petitioner and devotees from all over Tamil Nadu, participated in the festival. Now, the petitioner wanted to conduct balalayam in subsequent to Kumbabishegam, as preparative measure for renovating the temple. Thereafter, the Kumbabishegam has to be commenced. He further submitted that as per Rule 11 of the Management and Preservation of Properties of Religious Institutions Rules, any person offers to donate cost or to execute any building works, the petitioner is entitled to conduct Kumbabishegam as a donar work. In this case, though the petitioner is ready to conduct Kumbabishegam, the authorities have not taken any action.

5. The learned Government Advocate appearing for the respondents 1 to 3 submitted that the petitioner comes under 49(1) of the Hindu Religious and Charitable Endowments Act, under control of the Assistant Commissioner, HR and CE Department, Dindigul. The petitioner had sent a representation



to the first and second respondents. It would take some time for giving redirection of the petitioner's representation to the Assistant Commissioner, HR and CE Department, Dindigul. In view of the same, if the petitioner serious and intends to conduct the Kumbabishegam, he can approach the Assistant Commissioner, HR and CE Department, Dindigul, and present a petition and also give the details with regard to the work to be done during Kumbabishegam, cost and the donor particulars. Since the temple has got a meager income, the Kumbabishegam to be done by the temple is not possible immediately.

6.Considering the submission and perusal of the materials, it is seen that the petitioner is directed to approach the Assistant Commissioner, HR and CE Department, Dindigul, with a request for conducting Kumbabishegam along with the list of works to be done and the cost involved and the donor particulars. If the same has been completed, the Assistant Commissioner, HR and CE Department, Dindigul, is directed consider and forward the same to the authorities to get the approval and to permit the petitioner, if he is otherwise eligible and fulfill the criteria of the department. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



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7. With the above directions, this Writ Petition is disposed of. No costs.

29.08.2022

Index : Yes / No
Internet : Yes/ No
vsg

To

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