



W.P(MD).No.22700 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2022

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**THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P(MD).No.22700 of 2022

and

M.P(MD).Nos.16849 and 16851 of 2022

Ponselvan

... Petitioner

**Vs.**

- 1.The District Collector,  
Karur District,  
karur.
- 2.The Revenue Divisional Officer,  
Kulithalai,  
Karur District.
- 3.The Tahsildar,  
Kulithalai Taluk,  
Karur District.
- 4.The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Trichy.
- 5.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Karur District.  
Karur.
- 6.The Executive Officer,  
Kadambeeswarar Kovil-Kulithalai,  
(In-charge Sree Kanaga Thoniyamman Kovil),  
Kulithalai Taluk,  
Karur District.



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7.The Fit Person,  
Sree Kanaga Thoniyamman Kovil,  
Kulithalai Taluk,  
Karur District.

8.Thangavel

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> Respondent relating to the proceedings in Mu.Mu.A3/5673/2022, dated 19.09.2022 and quash the same and direct the respondents 4 to 7 to forthwith constitute the Organizing Committee from the village for conducting the temple festival at Sree Kanaga Thoniyamman Kovil, is situated at Thimmachipuram, Kulithalai Taluk, Karur District.

|                |                                      |
|----------------|--------------------------------------|
| For Petitioner | : M.S.Gokul Raj                      |
| For R1 to R5   | : Mr.M.Ramesh<br>Government Advocate |
| For R6 & R7    | : Mr.P.Athimoolapandian              |
| For R8         | : Mr.I.Vel Pradeep                   |

### **ORDER**

This writ petition is filed challenging the order of the 2<sup>nd</sup> Respondent, dated 19.09.2022, permitting the 8<sup>th</sup> Respondent to conduct the festival between 21.09.2022 and 01.10.2022.

2. It is submitted by the learned counsel for the Petitioner that this is the second round of litigation. In the earlier round of litigation in W.P(MD)No. 18891 of 2019, this Court was pleased to issue the following directions:



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*“13. Considering the above facts and circumstances of the case, the petitioner is directed to submit the representation for reconstitution of organizing committee before the Joint Commissioner, HR & CE Department, Trichy forthwith and on such representation, the Joint Commissioner, HR & CE, Trichy is directed to conduct the enquiry after issuing notice to the petitioner's party; 8th respondent's party and the petitioner in W.P(MD).No. 19177 of 2019 and pass orders on merits and in accordance with law, after giving opportunity of hearing to all the parties, within a period of four weeks from the date of representation of the petitioner. Till the out come of the enquiry conducted by the joint commissioner, HR & CE, Trichy, no one is permitted to conduct any festival at Sree Kanaga Thoniyamman Kovil, situated at Thimmachipuram, Kulithalai Taluk, Karur District.”*

3. Pursuant to the above direction of this Court, the 4<sup>th</sup> Respondent vide his order, dated 12.09.2019 issued the following directions:

*“It is therefore directed that,*

*(i) Thiru.Muthukaruppan who was responsible for this entire situation getting into quagmire should not collect and maintain accounts for the festival here after.*

*(ii) Thiru.Muthukaruppan has to hand-over forthwith all the money collected as contribution for the festival to the Executive Officer of the temple.*

*(iii) Thiru.Pon.Selvan the petitioner has to hand-over forthwith the money in deposit with City Union Bank to the*



*Executive Officer.*

*(iv) The Executive Officer of the temple has to open a savings/current account in a National Bank and deposit the contributions for the festival and maintain permanent account exclusively for the purpose.*

*(v) The Executive Officer has to swiftly get into action and complete the festival which now in a stand still and arrange for putting every thing in order by garnering the support of the District administration and police.*

*(vi) In future, the festival should be organized by the villagers under the stewardship of the Executive Officer and nobody should collect contribution for that purpose except the Executive Officer, as the collection of money other than Executive Officer/Trustee in the name of any temple is prohibited by the Rules from under Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.*

*(vii) The Assistant Commissioner, H.R & C.E. Department, Karur division should render necessary support to the Executive Officer of the temple like providing special duty staff etc.,”*

4. It is also submitted by the learned counsel for the Petitioner that he has challenged the above order of the Joint Commissioner under Section 21 of the Hindu Religious and Charitable Endowments Act before the Commissioner and the same is pending consideration. It was submitted that there is no stay of the order of the Joint Commissioner, thus any festival ought to be conducted in terms of the 4<sup>th</sup> Respondent's directions





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7. In view of the above submission, none of the parties expressed any further grievance. Thus, recording the above submissions/undertaking, the writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

**28.09.2022**

Index : Yes / No  
Internet : Yes/ No  
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***Note:Issue order copy on 28.09.2022***

To

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- 4.The Joint Commissioner,  
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- 5.The Assistant Commissioner,  
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**MOHAMMED SHAFFIQ, J.**

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