



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.03.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

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Writ Petition (MD) No.23681 of 2019

Mangottapuram Devendrakula Vellalar Sangam,
(Regd.No.125/2018)
Rep. by its President,
Er.S.Uthira Esakki,
S/o.T.Sankarasubbu,
No.3/101, Mangottapuram,
Sivagalai Post,
Eral Taluk,
Thoothukudi District.

.. Petitioner

Versus

- 1.The Principal Secretary,
Govt. of Tamil Nadu,
Hindu Religious and Charitable Endowments Dept.,
Fort St. George,
Secretariat,
Chennai - 9.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
No.119, Nungambakkam,
Chennai - 34.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Thiruvananthapuram Road,
Palayamkottai,
Tirunelveli District.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Dept.,
Thoothukudi,
Thoothukudi District.
- 5.The Executive Officer,
Arulmigu Muthumalaiamman Thirukovil,
Mangottapuram Village,
Eral Taluk,
Thoothukudi District.



6.The Inspector,
Hindu Religious and Charitable Endowment Dept.,
Sivankovil Compound,
Eral,
Thoothukudi District.

.. Respondents

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Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 2, 3 and 6 to hand over the Arulmigu Sri Manimuthumalaiamman Temple to the Mangottapuram Devendra Kula Vellalar Sangam, which is situated at No.3/101, Mangottapuram, Sivagalai Post, Eral Taluk, Thoothukudi District, based on the petitioner's representation, dated 20.04.2019, within the time that may be stipulated by this Court.

For Petitioner	:	No Appearance
For R1 to R4 and R6	:	Mr.P.Subbaraj Special Government Pleader
For R5	:	Mr.M.Muthugeethayan

ORDER

There is no representation on behalf of the petitioner.

2.The petitioner has filed this Writ Petition for a Mandamus, to direct the respondents 2, 3 and 6 to hand over the Arulmigu Sri Manimuthumalaiamman Temple to the Mangottapuram Devendra Kula Vellalar Sangam, which is situated at No.3/101, Mangottapuram, Sivagalai Post, Eral Taluk, Thoothukudi District, based on the petitioner's representation, dated 20.04.2019, within the time that may be stipulated by this Court.

3.It is the specific case of the petitioner that the petitioner's Sangam was registered to rescue Sri Manimuthumalaiamman Temple in Thoothukudi District for the purpose of managing the same and to facilitate the Villagers to worship in the Temple.

4.Though the petitioner claims that the Temple invited all the devotees without any discrimination, the fact remains that the petitioner has suppressed the fact that earlier a Writ Petition was filed by one J.Arun in W.P.(MD)No.6242 of 2019 for the following relief:-

'To direct the Respondent Nos.1 to 3 to seize the Temple key namely Sree Manimuthumalaiamman Temple situated at Mangottapuram, Eral Taluk, Thoothukudi District, from the Respondent Nos.6 and 7 and permit the Petitioner and his clan members to enter into the temple and offering prayer by considering the representation dated 20.02.2019, within the time stipulated by this Hon'ble Court.'



5. After hearing the petitioner, who was the seventh respondent herein, this Court ordered as follows:-

''5. It appears that there are some disputes with regard to the affairs of the petition mentioned Temple. Therefore, the Assistant Commissioner, Hindu Religious and Charitable Endowment Department, Tuticorin, has appointed the ninth respondent as the fit person vide proceedings dated 12.04.2019. The Temple is presently closed.

6. According to the petitioner, the Temple key is with the seventh respondent. But the seventh respondent is taking a stand that the Temple key is with the Poojari by name Chokkalingam.

7. It is not in dispute that the Temple key is with the fit person viz., the ninth respondent herein.

8. The learned counsel appearing for the ninth respondent would submit that even though the ninth respondent approached the seventh respondent nothing fruitful came out.

9. The petitioner only wants to worship in the Temple during the regular hours. He is not making any other claim in this Writ Petition. Therefore, since the fit person has already been appointed, this Court directs the fit person to break the existing lock of the Temple with the aid of the eighth respondent and put a fresh lock and the key will remain only with the fit person. The fit person will ascertain the customary practices and thereafter, ensure that the Temple is kept open on those occasions.

10. The Writ Petition stands allowed accordingly. Since the Temple in question is a public temple, the petitioner and his clan members are entitled to offer their worship there. No costs.''

6. The petitioner appears to have given a representation before the Commissioner, Joint Commissioner and Inspector of H.R. & C.E. Department, namely, respondents 2, 3 and 5 herein, by stating that in the Village, more than 500 persons are living and all of them belong to the same community and that the Temple was only managed by the Villagers and not others and there was no untoward incident and that the respondents have taken over the affairs of the Temple. However, in the affidavit filed in support of the Writ Petition, the petitioner has not alluded about the order passed in W.P.(MD)No.6242 of 2019, which has been referred to supra.

7. Pursuant to the above said order, a Fit Person was also appointed on 12.04.2019. The facts on record indicate that the attempt of the petitioner, who was the seventh respondent in W.P. (MD)No.6242 of 2019, was to exclude a Section of members from the Village. Under these circumstances, a Fit Person has been appointed. There is no merit in the Writ Petition filed by the petitioner for re-considering the decision already taken.



8.Considering the above facts, I am inclined to dismiss the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Principal Secretary,
Govt. of Tamil Nadu,
Hindu Religious and Charitable Endowments Dept.,
Fort St. George,
Secretariat,
Chennai - 9.
- 2.The Commissioner,
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Thoothukudi District.



+1 CC to M/s.M.MUTHU GEETHAYAN, Advocate (SR-13092[F] dated 18/03/2022)

+1 CC to M/s.SPL GP (SR-13168[F] dated 21/03/2022)

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-13354[F] dated 22/03/2022)

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RK(31/03/2022) 5P 10C