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W.P.No.1893 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.1893 of 2023 &

WMP.No.1998 of 2023

G.Chellappa

... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Departmnet,
Tuticorin – 628 001.
3. The Executive Officer,
Arulmigu Chokkalinga Swamy Temple,
Ravanasamudram, Having Office at
Arulmigu Kailasanatha Swamy Temple,
Kadayam – 627 415, Tenkasi Taluk and District. ... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent and their men not to conduct the Maharudram Mahayagnam during Brahmotsavam



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dated 26.01.2023 to 04.02.203 period at Arulmigu Chokkalingaswamy temple at Ravanasmudram Village, Tenkasi Taluk and District.

For Petitioner : Mr.D.Ajith Kumar

For Respondents : Mr.N.R.R.Arun Natarajan,
Spl. Government Pleader – R1 & R2

ORDER

This Writ Petition has been filed to direct the first respondent and their men not to conduct the Maharudram Mahayagnam during Brahmotsavam dated 26.01.2023 to 04.02.203 period at Arulmigu Chokkalingaswamy temple at Ravanasmudram Village, Tenkasi Taluk and District.

2. The petitioner has been filed to direct the respondents and their men to conduct Brahmotsavam of the temple. The issue has been decided by this Court in W.P.No.209 of 2022 and this Court by an Order dated 07.01.2022 has passed a detailed Order, wherein, paragraph 16 of the Order reads as follows :



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16.The following order is passed:

a) The second respondent ie., Joint Commissioner shall conduct a joint meeting of the writ petitioner and respondents 4 & 5. In this joint meeting the second respondent shall try and resolve the issue by fixing a calender whereby dates qua the said Yaghnam and the Thai Poosam festival do not clash which will give a quietus to the bone of contention. The writ petitioners as well as respondents 4 & 5 shall give utmost cooperation in trying to arrive at an amicable solution;

b) In the unlikely event of a amicable solution becoming a mirage, the parties will have to necessarily take recourse to Section 63(e) of TN HR & CE Act owing to the legal position that has been alluded to / delineated elsewhere supra in this order. Though obvious, for the sake of specificity it is made clear that this Court has not expressed any opinion or view on the merits of the matter as that will have an impact qua aforementioned meeting and/or proceedings leading to a possible amicable solution;

c) The meeting and an attempt to arrive at an amicable solution by setting a calender for the Thai Poosam and said Yaghnam would be commenced by second respondent within a fortnight from today ie., on or before 21.01.2022 and concluded within four [4] weeks there from ie., on or before 18.02.2022;



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d) This Court concludes the matter in the fond hope that no further judicial intervention is required in the case on hand.”

3. Pursuant to the above Order, final Order has been passed by the Joint Commissioner on 14.02.2022, wherein also it is decided that here after no over lapping will take place. When Orders has been passed pursuant to the Orders of this Court, the same shall be strictly followed for ever and there cannot be any deviation and poojas shall be conducted as decided in the meeting. In such view of the matter, no special direction is required to be passed in this Writ Petition and the earlier Orders passed in this regard shall be strictly followed.

4. With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

24.01.2023

Index: Yes/No

Neutral Citation : Yes/No

vrc



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To,

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N.SATHISH KUMAR, J.

VTC

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