



W.P.No.2442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

**THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**

W.P.No. 2442 of 2023  
and W.M.P.No.2542 of 2023

K.Devarajan

.. Petitioner

Versus

1.The Commissioner  
HR & CE Department  
Nungambakkam  
Chennai – 600 034

2.The Joint Commissioner  
HR & CE Department  
Erode

3.The Executive Officer/fit person  
Arulmigu Annamaswamy Thirukovil  
Sembaga Madevi Village  
Tiruchangodu Taluk  
Namakkal District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from conducting the Kumbabhishekam for 3<sup>rd</sup> respondent temple on 01.02.2023 and directing the 3<sup>rd</sup> respondent to postpone the date of Kumbabhishekam for 3<sup>rd</sup> respondent temple to the future date after convening the meeting of the community members of Kongu Kulala Paruthi Palli Nadu by considering the representation dated 25.01.2023.



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For Petitioner : Mr.R.Rajarajan

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For Respondents : Mr.NRR.Arun Natarajan for R1 & 2  
Special Government Pleader  
Mr.R.Baranidharan for R3

### **ORDER**

This Petition has been filed seeking to forbear the respondents 1 and 2 from conducting the Kumbabhishekam for 3<sup>rd</sup> respondent temple on 01.02.2023 and consequently direct the 3<sup>rd</sup> respondent to postpone the date of Kumbabhishekam to future date after convening meeting of the community members of Kongu Kulala Paruthi Palli Nadu by considering the representation dated 25.01.2023.

2. It is the contention of the learned counsel for the writ petitioner that the subject temple is found by Kongu Kulalar Community and the poojas have been performed as per their customs. As some dispute arose between the community people, a writ petition was filed earlier in W.P.No.30789 of 2013 seeking appointment of fit person. Thereafter, a fit person came to be appointed vide order dated 04.02.2019. Challenging the same, revision was filed before the second respondent in R.P.No.1 of 2021 which was subsequently dismissed vide Order dated 25.11.2022, however, in respect of



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other rights to establish the hereditary title, an opportunity has been granted to approach appropriate authority. When the matter stood thus, the fit person/third respondent herein has fixed the performance of Kumbabhishegam on 01.02.2023.

3. It is the grievance of the petitioner that the date has been fixed in respect of other groups without giving sufficient time to the petitioner. If sufficient time is granted to the petitioner, the petitioner will also participate and perform the pooja by following the customary rights that which has not been granted. Therefore, seeks a direction to postpone the Kumbabhishekam for two weeks.

4. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader takes notice for the respondents 1 and 2. According to him, the dispute is between the two groups of the same community and the temple is a public temple and is not a denomination temple. A fit person namely the third respondent/Executive Officer has been appointed and he is in-charge of the temple. Challenging the same, a revision has been filed before the second respondent which was also subsequently dismissed. At this stage, the



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scheduled Kumbabhishekam cannot be postponed. He also brought to the attention of this Court that even before fixing the scheduled date, a peace committee meeting was convened and only one group did not agree to perform the Kumbabhishekam. The Kumbabhishekam was not performed for more than 12 years, it was conducted only in the year 2001, therefore, now it has become just and necessary to conduct the Kumbabhishekam. Hence, opposed the writ petition.

5. Heard both sides and I perused the entire records. On perusal of the Order of W.P.No.30789 of 2013 filed seeking for appointment of fit person, it would indicate that the writ petition came to be dismissed in view of the fact that a fit person has already been appointed. Another Writ petition came to be filed in W.P.No.17131 of 2020 and the same was dismissed vide Order dated 17.04.2021 granting liberty to the petitioner to file a revision before the second respondent/Joint Commissioner. Accordingly, a Revision has been preferred in R.P.No.1 of 2021 and the same came to be dismissed on 25.11.2022. While dismissing, categorical finding has been rendered by recording that the temple is a public temple and in respect of other rights to establish the hereditary title, they can approach appropriate authority. When



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the finding has already recorded that the temple is a public temple and the revision has also become dismissed. Now, the petitioner as a matter of right cannot seek to postpone the scheduled Kumbhabhishekham. It is relevant to note that prior to fixing the date of Kumbhabhishekham, a peace committee meeting was convened and the Peace Committee Meeting has not materialized for any smooth running of the Kumbhabhishekham.

6. Such view of the matter, when there are already two groups claiming right over the temple and the reports filed would indicate that one group had also damaged the main idol by pouring acid. At this stage, it is not proper for this Court to postpone the Kumbhabhishekham as it will lead to further escalation of dispute between two groups.

7. Therefore, this writ petition fails and is liable to be dismissed. However, the petitioner is also directed to participate in the Kumbhabhishekham and the respondent shall permit them to perform their pooja.



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8. Considering the dispute between two groups, the Superintendent of Police, Namakkal is directed to give adequate police protection for smooth running of the Kumbhabhishekham.

9. With the above directions, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2023

dhk

Index : Yes / No

Speaking Order : Yes / No

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**N.SATHISH KUMAR, J.**

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4. The Superintendent of Police  
Namakkal

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