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W.P.No.34597 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 34597 of 2022

Hereditary Sthanigar Society
for Shree Dharbaneeswar swamy Devasthanam
and Srisaneeswar Bagavan temple,
(Parambarai Sthanigar Sangam),
Rep by its president
S.P.S.Nathan @ P.S.Amurdeswaranathan,
No.4, Vellalar Street,
Thirunallar 609 607.
Karaikkal Taluk, Puducherry State.

.. Petitioner

Versus

1. The District Collector and Special officer
Sri Dharbaranyeswaraswamy Devasthanam,
Sri Saneeshwara Bhagavan Temple,
Tirunallar 609 607,
Puducherry State.

2. The Executive officer,
Sri Dharbaranyeswaraswamy Devasthanam,
Sri Saneeshwara Bhagavan Temple,
Tirunallar 609 607,
Puducherry State.

3. The Commissioner,
Tirunallar commune panchayat Tirunallar ,
Karaikkal District, Puduchery State.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, Directing the 2nd respondent to implement the Resolution passed in the meeting held on 27.12.2018 by demolishing the toilet and also the exiting dilapidated building situated opposite to Sri seethala Devi Mariamman Sannathi Tirunallar Village Karaikkal District Puducherry State and to conduct the fire walking festival (Theemithi thiruvizha) to be conducted in April and May 2023 and periodically every year by considering the petitioners representation dated 24.09.2022 within a time frame as may be fixed by this Honble court.

For Petitioner : Mr.R.Kamaraj

For Respondents : Mr.M.Nirmal Kumar, Standing Counsel

ORDER

This writ petition has been filed seeking a direction to consider the petitioner's representation dated 27.08.2018 and direct to demolish the toilet situated opposite to Sri Seethala Devi Mariamman Sannathi, Tirunallar Village, Karaikkal District, Puducherry State and also to conduct the fire walking festival to be conducted in April and May 2023.

2. It is the case of the writ petitioner that the petitioner is the President of the petitioner's sangam which was formed long back for giving



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its voice on behalf of the Sthanigars of the temple, viz., Dharbaranyeshwara

Swamy Devasthanam, Thirunallar. The Sri Seethala Devi Mariyamman

Temple is a sub temple and is under the management and control of the

second respondent herein. The petitioner sangam has already filed a writ

petition in W.P.No.27094 of 2018 against the respondents herein and others.

This Court, vide its order dated 14.12.2018, directed the second respondent

herein to consider his representation dated 25.09.2018 and pass appropriate

orders on merits and in accordance with law after issuing notice and also

affording due opportunity of hearing to the petitioner as well as any of the

interested parties within a period of four weeks. Based on such order, the

meeting was convened on 27.12.2018 and in the meeting, it was decided to

remove the toilet constructed opposite to Sri Seethala Devi Mariamman

Sannathi and also to conduct the fire walking festival. However, the same

has not been done. Hence, the present writ petition.

3. The learned Standing counsel appearing on behalf of the

respondents, on instructions, submitted that as per directions passed by this

Court, the meeting was convened on 27.12.2018 in the chamber of the

Executive Officer (Sri Dharbaranyeswaraswamy Devasthanam) with regard



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to conduct of the fire walking festival and also demolition of the toilet situated in front of Sri Seethala Devi Mariamman Temple. In this regard, the second respondent, after enquiry, passed an order dated 12.01.2019. On perusal of the same, it is seen that no such Fire walking festival was conducted during the past. Regarding the removal of Mahamandapam in front of Sri Seethala Devi Mariamman idol, it is informed the opinion from one Thiru P.Mallairajan Sthapathy and he stated that the Mahabandapam shall not be demolished as per Shilpasasthra. Further, the Devasthanam obtained an opinion from one S.Santhanakrishnan, Sthapathy and he stated that "No alteration shall be made from Garbagraham to the entrance of the temple". The copy of the order has been communicated to the petitioner.

4. As the petitioner's grievance is to conduct the Fire walking festival and demolition of the toilets in front of Sri Seethala Devi Mariamman Temple, the representation has already considered by the second respondent and passed detailed order. Once again, this Court cannot be give a direction to consider the representation, unless the petitioner establish their legal right. As a matter of right, the petitioner sangam cannot seek mandamus. If at all, the petitioner is aggrieved with the impugned order passed by the



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second respondent as early as on 12.01.2019, they have to challenge the said order. Therefore, repeatedly the petitioner cannot seek a mandamus to consider the representation.

5. In view of the above discussion, this Court finds no merits in the writ petition and accordingly, the writ petition is dismissed. No costs.

04.01.2023

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Index : Yes / No

Speaking Order : Yes / No

To

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Tirunallar 609 607,
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N.SATHISH KUMAR, J.

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