



W.P. (MD) No. 325 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 325 of 2023
and W.M.P. (MD) No. 320 of 2023

R.Palaniselman

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli District.
4. The Inspector,
Hindu Religious and Charitable Endowment,
Radhapuram, Tirunelveli District.
5. Thakkar / The Executive Officer,
(Arulmighu Anandhavalli Amman Temple, Kutam),
Iruppu-Subramaniya Swami Temple,
Valliyur, Radhapuram Taluk,
Tirunelveli District.
6. The Tahsildar,
Thisaiyanvilai Taluk,
Tirunelveli District.



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7. Sargunasekar

8. R.Gopalakrishnan

9. Sahadevan

10. R.Viveganathan

11. T.Ravichandran

12. M.Kumaresan

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 6 to replace the damaged old Sri Anandhavalli Amman idol with newly sculpted Sri Anandhavalli Amman idol at Arulmighu Anandavalli Amman Temple, Kuttam Village, Thisaiyanvilai Taluk, Tirunelveli District and allow to perform Kumbhabisekam with new idol.

For Petitioner : Mr. T.S.Mohammed Mohideen

For Respondents : Mr. P.Subbaraj
Special Government Pleader
For R1 to R4 & R6

Mr. C.Guhaseelarupan For R5

Mr. VR.Shanmuganathan
For R7 to R12

ORDER

Heard Mr. T.S.Mohammed Mohideen, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader appearing for the First to Fourth and Sixth Respondents, Mr. Guhaseelarupan, Learned



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Counsel for the Fifth Respondent, Mr. VR.Shanmuganathan, Learned Counsel for the Seventh to Twelfth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First to Sixth Respondents to replace the damaged old Sri Anandhavalli Amman Idol with newly sculpted Sri Anandhavalli Amman Idol at Arulmighu Anandavalli Amman Temple, Kuttam Village, Thisaiyanvilai Taluk, Tirunelveli District and allow to perform Kumbhabisekam with new Idol.

3. During the previous hearing on 24.08.2021, this Court passed the following self-explanatory order:-

“It is represented that the Kumbhabisekam of the Temple of the Fifth Respondent is scheduled to be held on 01.02.2023. The Petitioner seeks to replace the Idol of the Presiding Deity and has made an application before the State Government under Rule 52 of the Management and Preservation of Religious Institutions Rules in that regard.



2. *Having regard to the limited availability of time, Learned Special Government Pleader appearing for the First to Fourth Respondents states that the enquiry before the Principal Secretary to Government, Tourism, Culture and Religious Endowments Department, would be conducted at 11.00 a.m. on 30.01.2023 and as the contesting parties are represented by their Counsel in Court, it is agreed that they would attend the said hearing. The outcome of such action taken shall be reported on the next hearing.*

Post the matter along with W.P. (MD) Nos. 10515 and 23311 of 2022 on 30.01.2023.”

It has been brought to notice that the Principal Secretary to Government, Tourism, Culture and Religious Endowments Department, Chennai in the proceedings in No. 25/RE-5-1/2023, dated 31.01.2023, has held as follows:-

“5. The Commissioner, Hindu Religious and Charitable Endowment Department, Chennai-9 based on the opinion of the Mandalasthathapathy, has stated that it would be appropriate to allow the idol of the Anandhavalli Amman in sitting position which is 400 years old, unique in nature, and made of sand stone.



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6. In view of the above said position, as the present Idol of the Anandhavallai Amman in sitting position is unique in nature and no damage is occurred to the Idol, it is considered that it would be appropriate to allow the present Idol for worship in the sanctum sanctorum of the temple.”

In that backdrop, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.02.2023

SJ
NCC : Yes/No
Index: Yes/No

Note: Issue order copy by 25.02.2023.

To

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Chennai.



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P.D. AUDIKESAVALU, J.

SJ

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli District..
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli District.
4. The Inspector,
Hindu Religious and Charitable Endowment,
Radhapuram,
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