



W.P. (MD) No. 2959 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

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C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 2959 of 2023

and

W.M.P. (MD) Nos. 2744 and 2745 of 2023

Chinnadurai

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukkottai.
- 4.The Executive Officer,
Arulmighu Kailasanathar Enshrined With Periyannayaki Amman,
Valaramanickam, Thirumayam Taluk,
Pudukkottai District.
- 5.Udaiyappan

6.Adaikkalam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India,



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to issue a Writ of Mandamus, directing the respondents 3 to 4 to conduct the Masi Festival for 10 days (24.02.2023 to 05.03.2023) in the temple of Arulmigu Kailasanathar Enshrined with Periyanaagi Amman in Valaramanickam Village, Thirumayam Taluk, Pudukkottai District in the year 2023 without giving previlage respect like called as Ambalam and give Kalanji and Parivattam to the 5th and 6th respondents and anybody.

For Petitioner	: Mr. K.Balasundharam Senior Counsel
For Respondents	: Mr. P.Subbaraj (for R1 to R3) Special Government Pleader Mr. G. Madhavan (R4) Mr. A.Balaji (for R5 & R6)

ORDER

Heard Mr. K.Balasundharam, Learned Senior Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader for the First to Third Respondents, Mr. G.Madhavan, Learned Counsel for the Fourth Respondent and Mr. A.Balaji, Learned Counsel for the Fifth and Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



2. The Writ Petition has been filed seeking for a direction to the Third and Fourth Respondents to conduct the Masi Festival for 10 days (24.02.2023 to 05.03.2023) in the temple of Arulmigu Kailasanathar Enshrined with Periyanaagi Amman in Valaramanickam Village, Thirumayam Taluk, Pudukkottai District in the year 2023, without giving privilege respect to Ambalam and give Kalanji and Parivattam to the Fifth and Sixth Respondents or others.

3. It is brought to notice that in respect of the aforesaid claim, the Petitioner has, after filing of the Writ Petition, made an application in O.A. No. 8 of 2023 under Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the Second Respondent and it is posted for hearing on 16.03.2023. It shall be incumbent upon the Second Respondent to conduct enquiry on the said application following the prescribed procedure affording full opportunity of hearing to all parties concerned and pass a reasoned order, dealing with each of the contentions raised and communicate the decision taken to them.

4. It is further informed that in respect of the said festival during the year 2021, the Petitioner had filed a similar Writ Petition in W.P. (MD) No. 19199



of 2021, this Court in which by order dated 29.10.2021, held as follows:-

“ *The petitioner seeks the conduct of the Masi Festival at the Arulmigu Kailasanathar enshrined with Periyanaagi Amman Temple without providing privileges to the self styled Ambalam.*

2. *The petitioner states that the Masi Festival is celebrated over a period of ten days in the above mentioned temple. In relation thereto, it is stated that a dispute arose in the year 2020 in respect of the collection of tax and the priority of distribution of Prasadham. Therefore, a peace committee meeting was conducted. The petitioner alleges that persons belonging to a group categorized as B group refused to sign the minutes of the peace committee meeting. In the current year, the said festival is scheduled to be conducted. The petitioner apprehends that the self styled Ambalam of the temple would insist on first honours and the like. The present writ petition is filed to prevent the grant of first honours or other privileges to such self styled Ambalam.*

3. *Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 1 to 3 and Mr.G.Mathavan, learned Standing Counsel, accepts notice for the fourth respondent. The fourth respondent submits that no privileges would be extended to any person in relation to the festival. However, it is pointed out that Kalanji is different and that it does not qualify as a privilege in the nature of Parivattam. The petitioner states that he has no quarrel with the giving of*



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Kalanji to workers and the like.

4. *In view of the submissions of the fourth respondent, the apprehensions of the petitioner have been allayed. Therefore, by recording the said submissions, W.P.(MD).No.19199 of 2021 is disposed of without any order as to costs. Consequently, W.M.P(MD).No.15928 of 2021 is closed."*

It is accepted by Learned Counsel on both sides that the same conditions would be adopted for the year 2023 also till final orders are passed in O.A. No.8 of 2023 by the Second Respondent. It is made clear that the said interim arrangement shall not influence or inhibit the Second Respondent from taking a fresh decision while deciding O.A. No. 8 of 2023 on the basis of the evidence adduced by the parties.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No costs.

22.02.2023

NCC : Yes/No

Index : Yes/No

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Note: Issue Order Copy on 24.02.2023.



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To

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- 1.The Regional Transport Officer,
Sri Rangam,
Trichy District.
- 2.The Inspector of Police,
Lalgudi Police Station,
Trichy District.
- 3.The Break Inspector,
Lalgudi,
Trichy District.



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P.D.AUDIKESAVALU,J.

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