



WP(MD)No.7250/2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.7250/2023 &
WMP(MD)No.6843/2023

S.Periyasamy

... Petitioner

Vs.

1.The Collector,
Tirunelveli District,
Tirunelveli - 9.

2.The Tahsildar,
Cheranmahadevi,
Cheranmahadevi Taluk,
Tirunelveli District.

3.The Joint Commissioner,
HR & CE Department,
Tirunelveli - 2.

4.The Inspector,
HR & CE Department,
Cheranmahadevi,
Tirunelveli District.

5.Esakki Pandian

6.Ayyankar



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7.E.Nivek

8.Sabarivasan

9.Murugan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 3 and 4 to forbear the respondents 5 to 9 from conducting rival Pooja on 05.04.2023 in the Temple namely Arulmigu Pasumkili Ayyan Sastha Temple, Gopalasamudram, Tirunelveli District based on the representation given by the Trustee of the Temple dated 16.03.2023.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.P.Subbaraj,
Special Government Pleader
for R1 to R4
Mr.S.Madhavan for R6 and R8

ORDER

The writ petition has been filed for a mandamus directing the respondents 3 and 4 to forbear the respondents 5 to 9 from conducting rival Pooja on 05.04.2023 in the Temple namely Arulmigu Pasumkili Ayyan Sastha Temple, Gopalasamudram, Tirunelveli District.



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2.The petitioner would submit that a Scheme Decree has been framed in respect of the said Temple in OA.No.1/1999 and the same has also been published in the official Gazette. The Temple in question is over 100 years old. The deponent of the affidavit and two other persons have been elected as Trustees in keeping with the terms of the Scheme Decree dated 26.09.2021. The appointment was also approved by the fourth respondent. It is the petitioner's case that in the month of April, Panguni Uthiram Festival is performed and this year, the Festival falls on 5th day of April. As per the Scheme, only the members of the Sangam are entitled to participate on the General Council of the Sangam. However, some people who are not members of the Society attempted to disturb the day to day functions of the Society. By order dated 28.10.2022 in WP(MD)No.24582/2022, the third respondent was directed by this Court to conduct an enquiry about the notification for selection of Trustees to the Temple. The term of office is two years. The deponent's current term comes to end on 25.09.2023. However, since the third respondent has passed an order contrary to the Scheme framed, the same was challenged before the Commissioner, HR & CE Department,



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Chennai, under Section 69 of the Hindu Religious and Charitable Endowments Act, 1959, which is still pending. It is in this backdrop, Panguni Uthiram Festival in the current season has fallen due. The respondents 5 to 9 are spreading false information throughout the Village stating that they are entitled to conduct rival Pooja and on this basis they are collecting money from the public. This would result in law and order problem.

3. When the matter came up for hearing, Mr.Subbaraj, learned Special Government Pleader has submitted a communication dated 27.03.2023 in Na.Ka.No.165-1/22 received by the Joint Commissioner HR & CE Department, Tirunelveli, in which, it is stated that it is only the members of the Management Committee of the Temple who can perform Pooja or make offerings to the Deity. No individual member has this right. He further submits that nobody would be permitted to disturb the Festival or collect money from the public and if such act is noticed, immediately the same would be dealt with a firm hand.



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4. In light of the above, this writ petition is disposed of with a direction that only the Management Committee of the Temple shall conduct Pooja and there shall not be any rival Pooja. It is made clear that there shall be no impediment to any worshipper from worshipping the Deity in the customary form. No costs. Consequently, the connected Miscellaneous Petition is closed.

03.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

1.The Collector,
Tirunelveli District,
Tirunelveli - 9.

2.The Tahsildar,
Cheranmahadevi,
Cheranmahadevi Taluk,
Tirunelveli District.



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P.T.ASHA, J.

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3.The Joint Commissioner,
HR & CE Department,
Tirunelveli - 2.

4.The Inspector,
HR & CE Department,
Cheranmahadevi,
Tirunelveli District.

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