



W.P.(MD) No.13371 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.13371 of 2023

Sasi Pandidurai

.. Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Board,
No.34, Nungambakkam High Road,
Chennai District.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Board,
No.40, Muthusamy Nagar,
Tirupathur Road, Sivagangai.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Board,
Paramakudi, Ramanathapuram District.
- 4.The Fit Person,
Arulmighu Santhi Veeransamy Thirukkivil,
Mallakottai Village,
Singampuneri Taluk,
Sivagangai District.



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5.C.Navaneethan

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing respondents 1 to 3 to permit the petitioner to participate in the proceedings in bringing the Chinna Kovil Veedu in Mallakottai Village, Singampunari Taluk, Sivagangai District, under the purview of respondents 1 to 4 based on the petition dated 18.02.2023 of the fifth respondent.

For Petitioner	:	Mr.T.Ramesh
For RR1 to 3	:	Mr.P.Subbaraj Special Government Pleader
For R5	:	Mr.P.Mahendran

ORDER

This writ petition is filed for the issue of a Writ of Mandamus, directing respondents 1 to 3 to permit the petitioner to participate in the proceedings in bringing the Chinna Kovil Veedu in Mallakottai Village, Singampunari Taluk, Sivagangai District, under the purview of respondents 1 to 4 based on the petition dated 18.02.2023 of the fifth respondent.



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2. It is the case of the petitioner that he has been administering Santhi Veeranan Swamy Temple, Mallakottai Village, Singampuneri Taluk, Sivagangai District, with the help of the villagers without any kind of an interference. The said temple is over 300 years old and it is a temple common for the village. The *Kumbabishegam* to this temple was held in the years 1980, 2010 and 2018 by the petitioner's father and himself.

3. It is his case that when one Vijaya Radhakrishnan was elected as the Village Panchayat President, her husband viz., Radhakrishnan started claiming right to head the village festival like '*Eruthukattu Vizha*' and '*Pongal*' festival. This demand was rejected by the villagers and they followed the customary right for celebration and festival. It appears that the said Radhakrishnan, through his associate one R.Muthukrishnan, had filed W.P.(MD) No.5629 of 2021 on the file of this Court seeking a direction to stop all practices of giving the honours. This writ petition was dismissed. Thereafter, the said Radhakrishnan set up another



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associate one Jeyabalan to file another writ petition in W.P.(MD) No. 13341 of 2022 on the file of this Court. In that, he had prayed to prevent the petitioner herein from claiming any privilege or honour. This writ petition was also dismissed on 29.06.2022 and thereafter, the said Radhakrishnan had filed yet another writ petition using another of his associate in W.P.(MD) No.14000 of 2022. This writ petition was disposed of with a direction that the third respondent should ensure that none gets the honour.

4. It is the further case of the petitioner that this order had been followed in letter and spirit for the festival that was conducted in the year 2022. Once again, the said Radhakrishnan questioned the procession in the village for the *Pongal* festival by filing W.P.(MD) No.643 of 2023. This writ petition was also disposed of in the lines of the earlier writ petition. Since Radhakrishnan was not in a position to achieve his end in preventing the petitioner from conducting the hereditary customary practices, he had given a petition through the fifth respondent to respondents 1 to 3 to bring the temple under their control.



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5. It is the case of the petitioner that Chinna Kovil Veedu is not a temple, as there is no idol and pooja being conducted there. The petition is a deliberate attempt to derail the village festival. It appears that without impleading the persons named in this petition, the fifth respondent has filed a writ petition in W.P.(MD) No.10708 of 2018 before this Court and has got a direction to consider his representation. This writ petition has been allowed on 28.04.2023 directing respondents 1 to 3 to give opportunity to all persons and thereafter, pass orders. Despite such a speaking order, the petitioner has not been permitted to submit his case, as no notice has been served to him by respondents 1 to 3. On 05.06.2023, the petitioner had personally visited the office of the third respondent and requested to implead him as the necessary party to the proceedings, which was turn down. Therefore, the petitioner is before this Court seeking a disposal of his representation made to the second respondent.

6. Heard the learned counsel on either side.



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7. Even in the earlier writ petition viz., W.P.(MD) No.10708 of 2023, this Court had passed the following direction:

“5. Therefore, this writ petition is allowed with a direction to the respondents to consider the representation of the petitioner dated 18.02.2023 and pass appropriate orders after affording an opportunity of hearing to all the parties concerned within a period of one month from the date of receipt of a copy of this order.”

8. Therefore, in the light of the specific order that orders have to be passed after affording opportunity to all parties concerned, this writ petition is disposed of directing the petitioner to appear before the second respondent with all documents on 12.06.2023. The second respondent, on considering the petitioner's case, shall pass orders within a period of two weeks therefrom. No costs.

09.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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P.T.ASHA, J.

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