



W.P.(MD)No.20456 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.20456 of 2022
and
W.M.P.(MD)No.14823 of 2022

V. Viswanathan

... Petitioner

vs.

1. The Joint Commissioner,
Hindu Religious Charitable
& Endowments Department,
Uthamarkovil, Tiruchirapalli.
2. The Assistant Commissioner,
Hindu Religious Charitable
& Endowments Department,
Perambalur, Tiruchirapalli.



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3. The Inspector,
Hindu Religious Charitable
& Endowments Department,
Thuraiyur, Tiruchirapalli.
4. The Tahsildar,
Thuraiyur Taluk, Tiruchirapalli.
5. The Inspector of Police,
Thuraiyur Police Station,
Thuraiyur, Tiruchirapalli.
6. Subbaru @ Balasubramani
7. N. Vaithi
8. Nallamuthu
9. Ramesh
10. Annadurai
11. Sakthivel
12. Radhakrishnan
13. Balakrishnan



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14. Balakrishnan

15. Vijayakumar

16. Papparathan @ Rajendran

17. M. Muthiah ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call upon the records pertaining to the proceedings of the second respondent dated 01.08.2022 in Na.Ka.No.1735/2022/A4 and to quash the same as illegal and arbitrary and consequently, to direct the respondents 1 and 2 to permit the petitioner herein and similarly placed persons to conduct the temple festival within one month from the date of the order of this Court.

For Petitioner	: Mr.K.R.Kishore Ram
For R1 to R4	: Mr.S.P.Maharajan Special Government Pleader
For R5	: Mr.K.Sanjai Gandhi Government Advocate (Criminal side)
For R6 to 8 and 16:	Mr.K.P.Narayanakumar for Mr.K.Arunraj
For R9 to 13	: M/s.J.Anandhavalli



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ORDER

This writ petition is filed for writ of Certiorarified Mandamus, to quash the impugned proceedings dated 01.08.2022 of the second respondent as illegal and arbitrary and consequently to direct the respondents 1 and 2 to permit the petitioner herein and similarly placed persons to conduct the temple festival within one month from the date of the order of this Court. In the impugned order the respondents have denied permission to conduct the festival.

2. The petitioner has already filed a writ petition in W.P.(MD)No. 15387 of 2022, with a prayer for writ of Mandamus, to direct the respondents 1 and 2 to permit the 10 pangalies to conduct Muppoosai festival in Arulmigu Periyakandiyamman Udaiyavur Karuppannasamy



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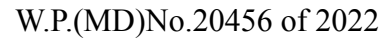
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and Ilayandiamman and 18am Padi Karuppu Saptha Kannimar Vagayra temple situated at Kaganipatti Village, Thuraiyur Taluk, Trichy District from 01.06.2022 to 22.08.2022 by considering my representation dated 27.06.2022. This Court after considering the claim of the petitioner has held as under:

“4. It is seen that the representation of the petitioner has been considered and now the festival held from 03.06.2022 to 07.06.2022. Next festival is only after five years. At that time, the authorities shall call all the 12 villagers together and conduct Mupperum Pooja peacefully. If the petitioner feels that his villagers are excluded, they shall present a petition then. If any such petition was presented the same to be considered by the HR and CE authorities.

5. In view of the festival already conducted as seen from the report, this petition is disposed of. No costs. The petitioner has made his objection to the report of the Assistant Commissioner, HR and CE Department and if he is aggrieved and so advised, he is at liberty is granted to challenge the same in the manner known to law.”

Since liberty was granted to the petitioner to challenge the report of the



3. The petitioner filed a representation, dated 27.06.2022 and thereafter filed the writ petition in W.P.(MD)No.15387 of 2022 and this Court has passed an order dated 15.07.2022. On perusing the impugned order dated 01.08.2022, it is seen that the authority had not referred the



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order passed in W.P.(MD)No.15387 of 2022. But the same cannot be a reason for quashing the impugned order, since in the impugned order the petitioner's representation dated 27.06.2022 is referred. Thereafter, the respondents have conducted an enquiry and passed the impugned order. In the impugned order it has been categorically stated that already the pooja was conducted. According to the respondents all the 12 villages had participated. But according to the petitioner only 10 villages had participated and 2 villages had participated. In spite of the same, the authority has declined the claim of the petitioner and refused to grant permission to conduct the festival. When there was no impediment for the said two villages to participate in the festival, it is the fault of the villages and the same cannot be reason to grant permission for the said two villages to conduct a separate festival for the 2023.



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4. Therefore, this Court is of the considered opinion that the authorities are absolutely right in declining the permission, since already the festival was conducted, whether including all the 12 pangalis or without leaving the pangalis is not relevant as of now. For the coming years the 12 villages shall conduct festival as per the custom and practice which is prevailing all these years without deviating from any of the custom and practice.

5. With the above said observation, the writ petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
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S.SRIMATHY, J

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