



W.P.(MD)No.19221 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.19221 of 2023

V.N.Vijayaraghavan

... Petitioner

Vs.

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Ellis Nagar,
Madurai.

2. The Executive Officer / Fit Person,
Arulmigu Kalamegha Perumal Thirukovil,
Thirumohur Othakadai,
Madurai.

3. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

4. A.Chinnaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance a *Writ of Mandamus*, directing the 1st and 2nd respondents to grant permission and protection with an aid of 3rd respondent to conduct Aadi Thiruvizha for the temple namely Sri Nevilinatha Ayyanar Kovil at



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E-Malamapatti, Melur Taluk, Madurai District, on 10.08.2023 and 11.08.2023 by considering the representation of the petitioner, dated 18.07.2023.

For Petitioner : Mr.R.Aravindraj
For R-1 to R-2 : Mr.S.Kameswaran
Government Advocate
For R-3 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)
For R-4 : Mr.S.Vellaichamy

ORDER

This writ petition is filed for *Writ of Mandamus* directing the 1st and 2nd respondents to grant permission and protection with an aid of 3rd respondent to conduct Aadi Thiruvizha for the temple, namely Sri Nevilinatha Ayyanar Kovil at E-Malamapatti, Melur Taluk, Madurai District.

2. Heard Mr.R.Aravindraj, the Learned Counsel appearing for the petitioner, Mr.S.Kameswaran, the Learned Government Advocate appearing for the respondents 1 and 2, Mr.K.Sanjai Gandhi, the Learned Government Advocate



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(Crl. Side) appearing for the 3rd respondent and Mr.S.Vellaichamy, the Learned Counsel appearing for the 4th respondent and perused the material documents placed on record.

3. The contention of the petitioner is that in the said temple two functions will be celebrated, one in the Tamil month of Panguni and another one in the month of Aadi. However, this contention was refuted by the 4th respondent stating that there is no such function in the month of Aadi and Aadi Thiruvizha was never ever celebrated, for which the Learned Counsel relied on the order dated 09.01.2023 passed in W.P.(MD)No.316 of 2023 passed by this Court.

4. It is seen that the petitioner and the 4th respondent have filed O.A.No.17 of 2002 for hereditary Poojariship and O.A.No.13 of 2015 for framing Scheme to the Temple and the aforesaid applications are pending. At this stage, this writ petition cannot be decided on merits. Therefore, this Court is directing the parties to wait for the outcome of the said petitions pending before the authorities.



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5. However, this will not restrain the petitioner from worshipping the Deity. Hence the petitioner or any persons shall worship the Deity but at one time only 10 persons are allowed. This restriction shall be followed scrupulously without any deviation. It is made clear that the petitioner or other shall not celebrate Aadi Thiruvizha or any function in Aadi until the disposal of the O.A.No.13 of 2015.

6. The learned counsel appearing for the 4th respondent submitted that in O.A.No.13 of 2015 the 4th respondent Chinnaiah side evidence has been completed. The petitioner Vijayaraghavan has to submit his evidence, but he has sought time. Hence the petitioner is directed to cooperate with the enquiry without any further adjournment. The Joint Commissioner, Hindu Religious and Charitable Endowment, Madurai, is directed to dispose the petition in O.A.No.13 of 2015, within a period of two months, from the date of receipt of a copy of the order.



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7. With these observations and directions, this Writ petition stands dismissed. There shall be no order as to costs.

Index : Yes / No
Internet : Yes
ksa

08.08.2023

Note : Issue a copy of order on 09.08.2023

To

1. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Ellis Nagar,
Madurai.
2. The Executive Officer / Fit Person,
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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.19221 of 2023**

08.08.2023