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W.P.(MD)No.20408 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.20408 of 2023

D.Baskaran

... Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai-24.

2.The Joint Commissioner,



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Hindu Religious and Charitable
Endowments Department,
Sivagangai District.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Sivagangai District.

4.Fit Person/Thakkar,
Arulmigu Anuchakudi Sree Kaliyamman
Thirukoil,
Anuchakudi, Ariyankottai,
RS Mangalam Taluk,
Ramanathapuram District.

5.R.Nagamuthu

6.S.M.A.Saravanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to forbear the respondents 5 and 6 from proceeding further with the such a unauthorized Kumbabhisekam ceremony dated 04.09.2023, unless necessary permissions been obtained from the HR and CE Department and consequently, to direct the respondents 1 to 3 to take appropriate action against the illegal act of the 5th and 6th respondents based on the representation given by the petitioner in person dated 10.08.2023.

For Petitioners : Mr.S.Ramanathan

For R1 to 4 : Mr.S.P.Maharajan
Special Government Pleader

For R5 and 6 : Mr.K.Saravanan



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ORDER

This writ petition is filed for writ of Mandamus, directing the respondents 1 to 3 to forbear the respondents 5 and 6 from proceeding further with the unauthorized Kumbabhisekam ceremony dated 04.09.2023, unless necessary permissions been obtained from the HR and CE Department and consequently, to direct the respondents 1 to 3 to take appropriate action against the illegal act of the 5th and 6th respondents based on the representation given by the petitioner in person dated 10.08.2023.



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2. The contention of the petitioner is that he is serving in the temple as Poosari and the 4th respondent was appointed as Fit Person which was not intimated to the petitioner. The petitioner is at liberty to challenge the appointment of Fit Person.

3. The further contention of the petitioner is that the respondents 5 and 6 are no way connected to the temple festival but they are collecting money under the guise of Kumbabhisekam.

4. Now, the 4th respondent has been appointed as the Fit Person. Therefore, he is authorized to collect fund for Kumbabhisekam function. Therefore, the respondents 5 and 6 are restrained from collecting money.



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The Fit Person is permitted to conduct the Kumbabhisekam festival as per the customary practice.

5. As far as the petitioner's allegation against the respondents 5 and 6 is concerned, the 3rd respondent is at liberty to conduct the enquiry as per law.

6. With the above said observation, the writ petition is disposed of.

No costs.

Index : Yes / No

31.08.2023

Internet : Yes

NCC : Yes / No

Tmg

Note: Issue order copy on **31.08.2023.**



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To

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4.Fit Person/Thakkar,
Arulmigu Anuchakudi Sree Kaliyamman
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S.SRIMATHY, J

Tmg

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