



WP(MD)No.20501 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.20501 of 2023

Periyathambi @ Arunagiri

: Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Kalyarkovil Taluk,
Sivagangai District.

3.Nambinayagam

4.Soundarapandian

5.Chandrasekar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 & 2 to protect the first respect rights of the petitioner in Arulmigu Sri Periyannayaki Amman Temple situated at Keelakadambangudi Village, Periyakannanur Post, Kalayarkovil Taluk, Sivagangai District, during the Kumbabhisekam festival on



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03.09.2023 and to prevent the respondents 4 & 5 from interfering with the rights accorded to the petitioner and his family in the said family temple.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1, R.2

Mr.R.Maheswaran
for R.4

ORDER

According to the petitioner, about 150 years back, his ancestor, by name, Periyathambi, on his own expenses, constructed a Temple, namely, Arulmigu Sri Periyannayaki Amman Temple at Keelakadambangudi Village, Periyakannanur Post, Kalayarkovil Taluk, Sivagangai District and the Temple has been managed by the petitioner's family for generations. At each festival conducted in the Temple, the members of the petitioner's family are receiving the first respect. The priest of the Temple, with the aid of some villagers, had now formed a Committee, namely, Arulmigu Sri Periyannayaki Amman Temple Festival Committee and the Committee had now appointed the third respondent as its member to take charge of its affairs.



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2.The Temple Festival Committee has now proposed to conduct the Kumbabhisekam festival for the Temple and this petitioner, by way of hereditary practice, is entitled for the first respect during the festival. The grievance of the petitioner is that the respondents 4 & 5 are raising certain issues and are unnecessarily creating problems that they are entitled for the first respect, which is due to the petitioner's family. Though the Temple Festival Committee and its members favoured this petitioner for the first respects, in view of the objections raised by the respondents 4 & 5, they are hesitating to do so. Therefore, the petitioner has filed this writ petition for a mandamus directing the respondents 1 & 2 to protect the first honour rights of this petitioner.

3.Learned Counsel for the petitioner, by referring a Will executed by the petitioner's grandfather in the year 1978, submitted that Arulmigu Sri Periyanaayaki Amman Temple has been constructed only by his grandfather and therefore, the first honor has to be given to this petitioner.

4.Learned Additional Government Pleader submitted that the policy of the Government is that all are equal before God and therefore, as soon as this



Government has assumed charge, the practice of honoring with Parivattam and Mariyathai to important persons in Temples has been ordered to be dispensed with.

Therefore, the petitioner's claim is not proper. He further submitted that if the petitioner is claiming some customary honour, then he has to establish the same only before the Joint Commissioner / Deputy Commissioner of the Hindu Religious and Charitable Endowments Department, by filing necessary application u/s.63(e) of the Hindu Religious and Charitable Endowments Act.

5.This Court considered the rival submissions made on either side.

6.The petitioner with a claim that he is entitled for the first honor during the Temple festival has approached this Court by way of this writ petition. In any Temple, if the public are permitted to offer their prayers, then it has to be declared as a Public Temple. Though the petitioner claims that the subject Temple has been constructed by his grandfather, it has been dedicated for public worship and all the Villagers are worshipping the deity. The petitioner himself admits that the Villagers have formed a Temple Festival Committee and this Committee is now organizing the Kumbabhisekam festival for the Temple. Therefore, it has to be presumed that the subject Temple has been dedicated for public purpose and it has



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to be termed only as a Public Temple. This Court, time and again, reiterated that there shall not be any practice of first respect / first honor in any Temples. It is also the policy of the Government that all are equal before the deity and there cannot be any first honor to any individual. Therefore, this Court is not inclined to issue any positive direction in this writ petition.

7. Section 63(e) of the Hindu Religious and Charitable Endowments Act authorize the Joint Commissioner / Deputy Commissioner to decide whether any person is entitled, by custom or otherwise, to any honour by any established usage of that religious institution. Since the petitioner is having a remedy available under the Hindu Religious and Charitable Endowments Act, this writ petition is dismissed with liberty to the petitioner to work out his remedy before the Joint Commissioner / Deputy Commissioner of Hindu Religious and Charitable Endowments Department, by filing necessary application u/s.63(e) of the Hindu Religious and Charitable Endowments Act. No costs.

Internet : Yes
Index : Yes / No
NCC : Yes / No
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B.PUGALENDHI, J.

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To

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Kalyarkovil Taluk,
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