



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.21336 of 2023
and
W.M.P(MD)No.17738 of 2023

C.Ayyadurai

... Petitioner

Vs.

1. The District Collector,
Pudukottai District,
Pudukottai 622 001.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai 622 001.
4. The Fit Person / Executive Officer,
Arulmigu Muthumariamman Temple,
Arasarkulam North,
Having Office At,
Arulmigu Veerakaliamman Temple,
Aranthangi,
Pudukottai District.



WEB COPY

5. Thiruselvam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ Mandamus***, directing the respondents 1 to 4 herein to conduct 'Palalayam' ceremony, renovation works, Kumbabhishekam and other ceremonies related thereto in Arulmigu Muthumariamman Temple at Arasarkulam North Village, Aranthangi Taluk, Pudukottai District in a transparent manner by convening meeting with the donors and putting up hoardings displaying the details of works, expenses and the source of expenditure by considering the petitioner's representations, dated 27.01.2023 and 28.08.2023.

For Petitioner : Mr.P.Subbiah

For Respondents : Mr.S.Kameswaran,
Government Advocate, for R-1 to R-3

: Mr.G.Mathavan, for R-4

ORDER

This writ petition is filed for ***Writ of Mandamus*** directing the respondents 1 to 4 to conduct 'Palalayam' ceremony, renovation works, Kumbabhishekam and other ceremonies of 'Arulmigu Muthumariamman Temple at Arasarkulam North Village, Aranthangi Taluk, Pudukottai District' in a



WEB COPY

transparent manner, by considering the petitioner's representations, dated 27.01.2023 and 28.08.2023.

2. Heard the parties appearing on either side. With their consent, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner is a devotee of the 'Arulmigu Muthumariamman Temple at Arasarkulam North Village, Aranthangi Taluk, Pudukottai District'. The 5th respondent is a Hereditary trustee, however, there are allegations against the Hereditary trustee that he has misappropriated the funds of the temple. Thereafter, the HR & CE officials have taken steps and appointed the Fit person, the 4th respondent herein. Now, the renovation work of the temple is going on and the Fit person is proceeding with the renovation work. The allegation against the Fit person is that he has collected donations from several persons and there is no transparency in his action.



WEB COPY

4. The apprehension of the Petitioner is that the 5th respondent would interfere in the administration of the temple and also in conducting the festival and he may demand to include his name as a member in the Festival Committee. The 5th respondent cannot be restrained, since there was allegation against the 5th respondent's father alone. Therefore, the 5th respondent is entitled to include as a member of Committees.

5. Therefore, considering the facts and circumstances of the case, this Court is passing the following Orders:

(i). Since the 'Palalayam' festival is to be performed on 03.09.2023, the same shall go on.

(ii) After completion of 'Palalayam' festival, the Fit person is directed to form a Committee and the Committee shall consist members from each Community. The 5th respondent is entitled to be included as a member of Committee.

(iii) The Committee shall conduct Kumbabhisekam in



WEB COPY

a transparent way.

(iv) If the 5th respondent is hindering peaceful conduct of the Kumbabhisekam, the other Committee members or the Fit person may prefer a complaint against the 5th respondent. Thereafter, the official respondents shall take action in the manner known to law.

6. With the above said observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.09.2023

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



WEB COPY

To

1. The District Collector,
Pudukottai District,
Pudukottai 622 001.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai 622 001.
4. The Fit Person / Executive Officer,
Arulmigu Muthumariamman Temple,
Arasarkulam North,
Having Office At,
Arulmigu Veerakaliamman Temple,
Aranthangi, Pudukottai District.



WEB COPY



S.SRIMATHY, J.

ksa

W.P.(MD)No.21336 of 2023

01.09.2023