

W.P.(MD).No.21798 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2023

CORAM

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

**W.P.(MD).No.21798 of 2023**

S.Veera Sakkammal

... Petitioner

VS

1.The Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Nungambakkam, Chennai.

2.The Joint Commissioner/Executive Officer,  
Hindu Religious and Charitable Endowment Department,  
Arulmighu Subramaniaswamy Thirukoil,  
Tiruchendur, Tuticorin District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.7007/2000/FF-1 dated 11.07.2023 on the file of the second respondent and quash the same and further directing the respondent to permit the petitioner to perform mandagapadi in the second respondent Temple in pursuant to the Aavani festival scheduled to be held on 12.09.2023.

For Petitioner : Mr.G.Prabhu Rajadurai  
For R-1 : Mr.S.P.Maharajan,  
Special Government Pleader  
For R-2 : Mr.M.Muthugeethaiyan,  
Standing Counsel  
Intervenor : Mr.M.Saravana Kumar  
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**ORDER**

This Writ Petition is filed to quash the impugned communication dated 11.07.2023 and further directing the respondents to permit the petitioner to perform mandagapadi in the second respondent Temple in pursuant to the Aavani festival scheduled to be held on 12.09.2023.

2. Through the impugned order, the respondents have directed the petitioner to submit reply along with documents regarding certain queries. Aggrieved over the same, the petitioner is before this Court.

3. At the time of admission, this Court has granted interim direction directed the parties to submit an undertaking for smooth functioning of Mandagapadi, which was scheduled on 12.09.2023. Today, when the matter is

taken up for hearing, the learned counsel appearing for the petitioner as well as the respondents submitted that the Mandagapadi was conducted in a peaceful manner, without any law and order problem. This Court records the said submission.

4. The Learned Counsel appearing for the petitioner submitted that lis is pending among the parties in appeal, which is in SR stage in A.P.(Sr).No.78027 of 2023 dated 04.09.2023, which is preferred against the order passed in O.A.No.4 of 2022. But this Court has made certain observations while passing the interim order and the same would affect his right while contesting the said appeal and prayed to expunge the same. After considering the said plea, this Court is directing the appellate authority to consider the rival claim of the parties uninfluenced by the said observations.

5. The appeal is filed by the temple. The rival claimants shall implead themselves in the said appeal and substantiate their claim. The rival claimants are also at liberty to file a separate appeal against the said O.A. Without insisting on limitation, the said appeal shall be considered and the limitation shall be calculated from today onwards.

6. As far as the impugned communication, the petitioner shall submit a reply to the impugned communication.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**14.09.2023**

Index : Yes / No

Internet : Yes

Nsr

**Note: Issue Order Copy on 15.09.2023.**

To

1.The Commissioner,  
Hindu Religious and Charitable Endowment Department,  
Nungambakkam, Chennai.

2.The Joint Commissioner/Executive Officer,  
Hindu Religious and Charitable Endowment Department,  
Arulmighu Subramaniaswamy Thirukoil,  
Tiruchendur, Tuticorin District.

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**S.SRIMATHY, J**

Nsr

Order made in  
**W.P.(MD).No.21798 of 2023**

**14.09.2023**