



W.P.(MD)No.23269 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 23269 of 2023

and

W.M.P(MD)No.19474 of 2023

N.Ganesan

...

Petitioner

Vs.

- 1.The Commissioner
Hindu Religious and Charitable Endowment Department
Chennai - 600 034.
- 2.The Executive Officer (In-charge),
Arulmigu Sundhara Mahalingam Temple,
Sathuragiri,
Srivilliputhur,
Virudhunagar - 626 132.
- 3.The District Collector
Madurai.
- 4.The Tahsildar
Usilampatti Taluk,
Madurai.
- 5.The Deputy Superintendent of Police,
Usilampatti, Madurai.



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6.M.Perumal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 2, 4 and 5 to conduct the proposed Kumbabhishekam ceremony at Sri Perumalsamy Nallathankal Temple, Kodikulam Village, Usilampatti Taluk, Madurai, in a fair manner ensuring that, (i) The Poojas and Rituals for Kumbabhishekam shall only be performed by the Gurukkal/Poosaris from other Temples nominated by the HR and CE Department. (ii) One Special rights to be given to any person or group during Kumbabhishekam. (iii) No public shall be denied access to the temple and rituals during Kumbabhishekam without reasonable cause.

For Petitioner : Mr.N.Karthikkanna

For Respondents : Mr.S.P.Maharajan - for R1 to R4
Special Government Pleader

Mr.K.Sanjai Gandhi - for 5
Government Advocate (Crl. side)

ORDER

This writ petition is filed seeking direction to the respondents 2, 4 and 5 to conduct the proposed Kumbabhishekam ceremony at Sri Perumalsamy Nallathankal Temple, Kodikulam Village, Usilampatti Taluk, Madurai with certain conditions.



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2. Heard Mr.N.Karthikkanna, the Learned counsel appearing for the Petitioner, Mr.S.P.Maharajan, the Learned Special Government Pleader appearing for the respondents 1 to 4, Mr.K.Sanjai Gandhi, the Learned Government Advocate (Crl. side) appearing for the 5th respondent and perused the material documents available on record. With consent of both the parties this writ petition is taken up for final disposal at the admission stage itself.

3. The contention of the petitioner is that the Pangalis of the petitioner is trying to conduct Kumbabhishekam by engaging the Gurukkal/Poosaris, who belongs to the same temple. Therefore, the petitioner is seeking direction to conduct Kumbabhishekam in a fair manner. The petitioner has not impleaded the rival group who is engaged to performing the services of Gurukkal/Poosaris. Therefore, the first prayer cannot be granted.

4. The 2nd prayer is that the “special honors” shall not be granted any person or group during Kumbabhishekam. The Learned Special Government Pleader appearing for the HR & CE Department submitted that based on the order



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of the HR & CE Department and also based on the order of the High Court, no special honors will be given to anyone. Recording the aforesaid submission of the Special Government Pleader, this Court is directing the 2nd respondent to conduct Kumbabishekam as per guidelines issued by the Commissioner HR & CE to conduct Kumbabishekam and the same will be strictly followed and there will not be any special honors to anyone. Therefore, as far as the 2nd prayer is concerned, the directions stated supra is issued.

5. The 3rd prayer of the petitioner is to direct the respondents not to prohibit the general public from accessing the temple and seeing rituals during Kumbabishekam. The Learned Special Government Pleader submitted that the respondents would not prevent anybody from accessing the temple and to watch the rituals, however the respondents would regulate the same based on the crowd. Recording this submission, the respondents are directed not to prevent anybody, but shall take appropriate steps to smooth conduct of Kumbabishekam.

6. The Special Government Pleader further submitted that for any Kumbabishekam, the Commissioner is the appropriate authority to accord



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permission. The temple has not submitted any petition to the Commissioner. Therefore, the Executive Officer in-charge is directed to file a petition on behalf of the temple before the Commissioner. On receipt of such petition, the Commissioner shall consider the same and pass appropriate orders at the earliest.

7. The Learned Special Government Pleader submitted that the petitioner and one Perumal, who is the 6th respondent herein has already filed W.P. (MD)No.15090 of 2023. This Court, vide order, dated 07.09.2023 has held that since the HR & CE Department has expressed that they do not have funds to conduct Kumbabishkam, hence the said Perumal was permitted to conduct Kumbabishkam and permitted to contribute. However, the petitioner submitted that the petitioner and other interested people have contributed for conducting Kumbabishekam and had relied on the receipts issued for such contribution. Therefore, the 2nd respondent shall collect the contribution from the interested parties including the petitioner and the 6th respondent and also from all interested parties for conducting Kumbabhishekam.



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8. Generally a Kumbabishekam will be conducted by taking contribution from the general public, if the temple is not having funds. Therefore the 2nd respondent shall not decline any contribution from the general public including the petitioner, 6th respondents and others.

9. With this clarification, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

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

25.09.2023

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 23269 of 2023**

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