



W.P. (MD) No. 17333 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 17333 of 2017

and

W.M.P. (MD) Nos. 13877 to 13879 of 2017 and 19125 & 19126 of 2018

1.S.Venkadam Pandari

2.B.Jeganatha Battar

3.S.Rengarajan (Archakar)

4.R.Ramesh Battar

5.S.Sudharsanan @ S.Sudharsan Battar

... Petitioners

*[Petitioners 3 to 5 are impleaded vide Court
order dated 08.02.2023]*

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-34.

2.The Joint Commissioner/Executive Officer,
Sri Ranganatha Swamy Temple,
Srirangam, Thiruchirappalli-6.

3.The Board of Trustees,

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W.P. (MD) No. 17333 of 2017

Sri Ranganatha Swamy Temple,
Srirangam, Thiruchirapalli-6.
4.M.Thangavel (Ubhayadharar)

5.Marimuthu (Ubhayatharar)

6.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thiruchirappalli.

... Respondents

*[R6 is impleaded vide Court order dated
01.02.2023]*

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari, to call for the records of the proceedings dated 27.03.2017 in Na.Ka.No.12472/2017/U3 on the file of the first respondent and quash the same as unconstitutional, illegal, arbitrary and without jurisdiction.

For Petitioners : Mr. H.Lakshmi Shankar
For R1 & R6 : Mr. T.Villavan Kothai,
Additional Government Pleader
For R2 : Mr. M.Saravanan
For R5 : Mr. R.Ponkarthikeyan
For R3 : No Appearance

ORDER

Heard Mr. H.Lakshmi Shankar, Learned Counsel appearing for the



W.P. (MD) No. 17333 of 2017

Petitioners, Mr. T.Villavan Kothai, Learned Counsel for the First and Sixth Respondents, Mr. M.Saravanan, Learned Counsel for the Second Respondent and Mr. R.Ponkarthikeyan, Learned Counsel for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the proceedings in Na.Ka.No. 12472/2017/U3 dated 27.03.2017 passed by the First Respondent granting permission to conduct Vijayadasami Pooja at Arulmigu Pundarikaksha Perumal Temple, Thiruvellarai on the 10th day of Navarathiri Festival by bringing the Urchavar out of the Temple to Ayyampalayam Village.

3. It has been brought to notice that prior to the impugned order, the First Respondent in Proceedings R.P. No. 63 of 1994 dated 11.10.1996 has passed the following self-explanatory order:-

“vi. The executive officer in his remarks has stated that the petitioners were entitled to receive a copy of the impugned order by sending a proper application to the proper authority. In the suit filed by the petitioners in O.S.No.1067/95 on the file of the Sub-Court, Trichy, injunction has been



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granted on 27.09.95, till the disposal of the original suit and the injunction was still in force. In view of the injunction order, the 10th day festival was conducted on 04.10.95 in the temple itself and that the deity was not taken to Ayyampalayam. On 01.10.95 a resolution to this effect was obtained from the Trust Board by the Executive Officer.

Vii. In an earlier report the executive officer had sent a copy of the scheme framed in O.S.No.29/40 by the High Court, Madras. According to the Executive Officer in clause 87 of the board's order No.675 dated 02.03.1942 the powers and duties of the Executive Officer have been defined and that as per the scheme, individual trustees were not authorised to engage a separate lawyer for conducting legal proceedings, on behalf of the temple they were representing. The executive officer has pointed out the above scheme provisions in the context of the issuance of notice to the trustees for impleading them as respondents. The trustees have not engaged any lawyer in the R.P.

Viii. As far as the scheme provisions are concerned, clause 94 says, that the board of trustees and the executive officer shall be responsible for the proper conduct of daily worship and of the festivals. They shall also be jointly responsible for the preservation of jewels, movable and immovable properties of the Devasthanam. In view of this provision in the scheme of administration, the resolution of the Board of trustees is considered absolutely necessary before implementing the Impugned order of the Executive Officer, as the matter relates to conduct of festival and carrying of the deities in procession from Thiruvellarai to another



W.P. (MD) No. 17333 of 2017

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village, which are adorned with Valuable jewels. In the year 1994 the Executive Officer, has acted without the resolution of the trust board, in permitting the deities to be taken to Ayyampalyam village, Hence in the order dated 06.01.95, direction was given by the commissioner to the Executive Officer to place the matter before the Trust Board, and obtain the resolution.

ix. But, the executive officer has placed the matter before the Trust Board only on 01.10.95 after a delay of 9 months. The trust board in the meeting on 01.10.95 has resolved to conduct the festival on 04.10.95 in the temple itself and the deity was not suggested that it was open to the petitioners to seek appropriate remedy regarding the custom and usage in terms and section 63(e) of the Act before the Joint Commissioner, Trichy. Neither the petitioners nor the second respondent have produced any material evidence in the court to prove the prevalence of any particular custom and usage in the conduct of the festival. Hence, it is for them to settle their issues under section 63 (e) of the Act, if so advised. Further, the injunction granted by the Sub Court, Trichy in O.S.No.1067/95 is still in force as the suit has not been disposed of. Unless the injunction is vacated and until the Board of Trustees resolve to permit the deity for being taken in procession to Ayyampalayam village, by a resolution passed in its meeting, I am of the view, that there can be no deviation in the manner of conducting the 10th day festival on Vijayadasami, other than by which it was allowed to be conducted on 04.10.95.

x. Taking into consideration, all the materials placed before me, and



W.P. (MD) No. 17333 of 2017

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keeping in view, the directions of the Hon'ble High Court, Madras issued in W.P.No.13242/95 on 29.09.95, and after hearing all the parties concerned, I hereby order to maintain the status quo as on 04.10.1995 in conducting the 10th day Vijayadasami festival in Arulmigu Pundarikatshaperumal Temple, Thiruvellarai Village, Lalguid Taluk, Trichy District. The Revision Petition is ordered with the above direction."

It has been demonstrated that the impugned order is clearly in contravention of the aforesaid order, which cannot be sustained.

4. The First Respondent has already made it clear in the order dated 11.09.1996 in R.P. No. 63 of 1994 that it is for the parties to settle the issues under Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act' for short). In such circumstances, it is informed that the Petitioner along with four others have filed O.A. No. 3 of 2023 before the Sixth Respondent under Section 63(e) of the Act for declaration that the 10th day Festival on Vijayadasami during the Navarathiri Utsavam of Sri Pundarikaksha Perumal Kovil at Thiruvellarai, Mannachanallur Taluk, Tiruchirappalli District is to be conducted only within the precincts of the said Temple and not at Ayyampalayam Village and that



W.P. (MD) No. 17333 of 2017

the hearing of the said case has been fixed on 17.03.2023 for the appearance of the parties.

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5. Having regard to the aforesaid submissions made, the Writ Petition is disposed on the following terms:-

- (i) the impugned order dated 27.03.2017 Proceedings in Na. Ka. No. 12472/2017/U3 passed by the First Respondent is set aside and the Sixth Respondent shall ensure that there is atleast one effective hearing every week in O.A. No. 3 of 2023 showing progress of the case;
- (ii) after full opportunity of hearing to all parties concerned following the prescribed procedure, the Sixth Respondent shall pass a reasoned order in O.A. No. 3 of 2023 on merits and in accordance with law and communicate the decision taken under written acknowledgment; and
- (iii) such exercise shall be completed by 30.09.2023 and report of compliance shall be filed before the Registrar (Judicial) of the Court.
- (iv) consequently, the connected Miscellaneous Petitions are closed; and
- (v) there shall be no order as to costs.



W.P. (MD) No. 17333 of 2017

22.02.2023

NCC : Yes/No
Index : Yes/No
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Note: Issue Order Copy by 23.06.2023.

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-34.
 - 2.The Joint Commissioner/Executive Officer,
Sri Ranganatha Swamy Temple,
Srirangam, Thiruchirappalli-6.
 - 3.The Board of Trustees,
Sri Ranganatha Swamy Temple,
Srirangam, Thiruchirappalli-6.
 - 4.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thiruchirappalli.
- Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai – 625023.



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W.P. (MD) No. 17333 of 2017



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W.P. (MD) No. 17333 of 2017

P.D.AUDIKESAVALU,J.

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W.P. (MD) No. 17333 of 2017

22.02.2023