



W.P. No.30729/2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.10.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.30729 OF 2024

A.Arul

.. Petitioner

- Vs -

1. The Commissioner
Hindu Religious & Charitable
Endowment Department
No.119, Uthamar Gandhi Road
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner
Hindu Religious & Charitable
Endowments Department
Manjakuppak
Cuddalore District 607 001.
3. The Assistant Commissioner
Hindu Religious & Charitable
Endowments Department
Jayamkondam
Ariyalur District 621 802.
4. The Inspector
Hindu Religious & Charitable
Endowments Department
Jayamkondam



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5. R.Kumar

6. Sakthivel

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records in O.Mu. No.944/2024/A9 dated 21.05.2024 passed by the 3rd respondent and quash the same and further direct the 1st respondent to take appropriate action on the representation dated 10.05.2024 within a prescribed period.

For Petitioner : Mr. M.Balakrishnan

For Respondents : Mr. NRR.Arun Natarajan, Spl. GP

ORDER

The present petition has been filed to quash the impugned order passed by the 3rd respondent and for a further direction to consider the representation of the petitioner dated 10.05.2024 and pass further orders.

2. Learned counsel appearing for the petitioner, basing his arguments on the affidavit filed in support of the petition submits that every year the temple festival of Sri Vinayagar Mariamman Selliamman Temple is conducted



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for ten days in the Tamil month of Chithirai where the villagers and their relatives participate. The said festival has been in vogue since the founding of the temple in the year 1954 and the temple is under the administrative control of the HR & CE Department.

3. It is the further submission of the learned counsel that the 10th day of the festival is celebrated in a grand scale and for the said celebration, donations are being collected from the villagers. It is the claim of the petitioner that the 5th and 6th respondents are claiming first respect during the “Deeparadhana” and for “Kida Vettu (sacrifice of goats). It is the submission of the learned counsel that no individual can claim right of first privilege over others, as the temple is under the control of HR & CE Department. It is the further submission of the learned counsel that the 6th respondent is stopping the movement of the temple chariot and demanding first right and due to this several problems are caused which was doused by the action of the law enforcing agency.



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4. It is the further submission of the learned counsel that to avert any such incident, the petitioner submitted a representation on 3003.2024 to the 1st respondent a copy of which was also sent to the 2nd to 4th respondents. It is the further submission of the learned counsel that the 2nd respondent had directed the 3rd respondent to conduct enquiry and submit a report. Accordingly, the 3rd respondent conducted enquiry and passed the impugned order holding that the usual customary practices was followed by the public in the locality during the temple festivals and the grievance of the petitioner is wholly misconceived, aggrieved by which the present petition has been filed.

5. Per contra, learned Special Government Pleader appearing for respondents 1 to 4 submits that every year Chithirai festival is performed in the temple in which Deeparadhana and Kida Vettu are performed and that even during the chariot taken in procession, everybody is entitled to participate in the procession and offer their prayers and during the procession, they are given appropriate respect. He further submitted that the petitioner did not participate during the meeting in which the villagers participated and submitted that the present system, which is being followed



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be continued. Therefore, the present petition at the instance of the petitioner is misconceived and sought for dismissal of the present petition.

6. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

7. The materials available on record reveal that upon directions of the 2nd respondent the 3rd respondent had conducted an enquiry in which the petitioner did not participate. The impugned proceedings reveal that all the villagers participated in the meeting and had voiced that the present system that is being followed with respect to Deeparadhana and Kida Vettu be continued and no change needs to be made. On the basis of the unanimous approval of the villagers, the impugned order had come to be passed by directing that the system that was in existence is being followed. When the petitioner had not shown inclination in participating in the meeting, now he cannot come and challenge the impugned order and seek reconsideration of his representation.



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8. For the reasons aforesaid, this Court does not find any infirmity in the order impugned herein and there being no merit, this writ petition is dismissed. There shall be no order as to costs.

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Index : Yes / No

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