



W.P.Nos.27336 and 27502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.27336 and 27502 of 2024
and W.M.P.No.30012 of 2024**

Prayer in W.P.No.27336 of 2024

Dhatchinamoorthy

... Petitioner

Vs.

- 1.The Deputy Superintendent of Police,
Cuddalore,
Cuddalore District.
- 2.The District Revenue Officer,
Cuddalore,
Cuddalore District.
- 3.The Tasildhar,
Cuddalore Taluk,
Cuddalore District.
- 4.The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.



W.P.Nos.27336 and 27502 of 2024

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5. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Cuddalore,
Cuddalore.

6. The Inspector,
Hindu Religious and Charitable Endowment Department,
Cuddalore,
Cuddalore.

7. M. Vaithilinga Sengunthar

8. K. T. Rajamani

9. K. T. Ramalingam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 6 to appoint a Special Officer to conduct the Consecration function for Arulmigu Kailasanathar Temple situated at Naduveerapattu Village, Cuddalore Taluk, Cuddalore District, scheduled to be conducted on 15.09.2024 and consequently, permit the petitioner and other villagers to participate in the said Consecration function.

For Petitioner : Mr. R. Elavarasan

For Respondents : Mr. L. S. M. Hasan Fizal
Additional Government Pleader
for R1 to R3



W.P.Nos.27336 and 27502 of 2024

Mr.L.Baskaran,
Government Advocate (Crl.)
for R4
Mr.K.Karthikeyan
Government Advocate
(HR & CE)
for R5 and R6

Prayer in W.P.No.27502 of 2024

Arulmighu Kailasanathar Koil,
Naduveerappattu, Cuddalore Taluk,
Cuddalore District,
President, Thiruppani Committee,
T.Rajamani

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Riverside Street, Cuddalore-607001.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Cuddalore-607 001.
- 4.The Inspector,
Hindu Religious and Charitable Endowment Department,
Cuddalore.



W.P.Nos.27336 and 27502 of 2024

5.The Special Tahsildar
(Temple Lands), Cuddalore.

6.The Inspector of Police,
Nellikuppam Police Station,
Nellikuppam, Panruti Taluk, Cuddalore District.

7.T.Dakshinamoorthy

8.T.Murugan ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records and quash the proceedings of the second respondent in Na.Ka.No.8247/2024/A2 dated 09.09.2024 and forbearing the respondents from in any manner interfering with the right of the people belonging to Sengundha Mudaliar Community, Naduveerapattu Village, Cuddalore Taluk, Cuddalore District to manage Arulmighu Kailasanathar Thirukoil, Naduveerapattu, Cuddalore Taluk, Cuddalore.

For Petitioner : Mr.R.Elavarasan

For Respondents : Mr.K.Karthikeyan
Government Advocate
(HR & CE)
for R1 to R4 and R5
Mr.L.Baskaran,
Government Advocate (Crl.)
for R6



W.P.Nos.27336 and 27502 of 2024

WEB COPY

COMMON ORDER

Since the issues raised in these writ petitions are one and the same, this Court is inclined to dispose of these writ petitions by way of a common order.

2. The Writ Petition in W.P.No.27336 of 2024 has been filed to direct the respondents 1 to 6 to appoint a Special Officer to conduct Consecration function for Arulmigu Kailasanathar Temple, situated at Naduveerapattu Village, Cuddalore Taluk, Cuddalore District, scheduled to be conducted on 15.09.2024 and consequently, permit the petitioner and other villagers to participate in the said Consecration function.

3. The Writ Petition in W.P.No.27502 of 2024 has been filed challenging the proceedings of the second respondent in Na.Ka.No.8247/2024/A2 dated 09.09.2024 and for a consequential direction to forbear the respondents from in any manner interfering with the right of the people belonging to Sengundha Mudaliar Community, Naduveerapattu



W.P.Nos.27336 and 27502 of 2024

WEB COPY

Village, Cuddalore Taluk, Cuddalore District to manage Arulmighu Kailasanathar Thirukoil, Naduveerapattu, Cuddalore Taluk, Cuddalore.

4. The learned counsel appearing for the petitioner in W.P.No.27502 of 2024 submits that the petitioner is the President of Thiruppani Committe of Arulmighu Kailasanathar Thirukoil, Naduveerapattu, Cuddalore Taluk, Cuddalore District and the said Temple belongs to Sengundha Mudaliar Community of Naduveerapattu Village, Cuddalore District and in the suit filed in O.S.No.447 of 1974 against the Hindu Religious and Charitable Endowments Department, a decree was passed declaring the Temple as Denominational Temple belonging to the people of Sengundha Mudaliar Community of Naduveerapattu. While so, the second respondent has passed the impugned order dated 09.09.2024, preventing to perform Kumbabhishekam which as scheduled to be held on 15.09.2024. Challenging the same, the Writ Petition in W.P.No.27502 of 2024 has been filed.



W.P.Nos.27336 and 27502 of 2024

WEB COPY

5. The learned counsel appearing for the petitioner in W.P.No.27336 of 2024 submits that Arulmighu Kailasanathar Temple is under the control of the Hindu Religious and Charitable Endowments Department and is worshipping by all Community people. However, Senguntha Mudhaliyar Community people are claiming exclusive rights to worship and administer the Temple, for which, they have filed a suit in O.S.No.447 of 1974 before the Sub-Court, Cuddalore and the decree was in their favour. Though the Temple belongs to Sengundha Mudaliar Community people, all community people participated in all consecration functions and other rituals performed in the said Temple so far. While so, the respondents 7 to 9, who belong to Sengundha Mudaliar Community, are trying to do Consecration function, without any prior approval from the Hindu Religious and Charitable Endowments Department and not permitting the petitioner and the other villagers to participate in Kumbabhishekam, which as scheduled to be held on 15.09.2024. Therefore, the Writ Petition in W.P.No.27336 of 2024 has been filed to appoint a Special Officer to conduct Consecration Function scheduled to be conducted



W.P.Nos.27336 and 27502 of 2024

on 15.09.2024 for Arulmighu Kailasanathar Temple situated at Naduveerapattu Village, Cuddalore.

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6. Heard the learned counsel appearing for both sides in both the writ petitions.

7. When the decree was passed in O.S.No.447 of 1974 by the Sub-Court, Cuddalore, in favour of the petitioner in W.P.No.27502 of 2024 to manage the Subject Temple, the impugned order dated 09.09.2024 passed by the second respondent, namely, the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Cuddalore, preventing to perform Kumbabhishekam is not justifiable one and hence, the impugned order dated 09.09.2024 passed by the second respondent, in W.P.No.27502 of 2024 is set aside. There shall be a direction to the second respondent, namely, the Joint Commissioner, Hindu Religious and Charitable Endowment Department, Cuddalore, to allow the petitioner in W.P.No.27502 of 2024 to perform Kumbabhishekam which as scheduled to be held on 15.09.2024 or



W.P.Nos.27336 and 27502 of 2024

WEB COPY

any other date as may be fixed by the petitioner and give appropriate protection if necessary. Similarly, the petitioner in W.P.No.27336 of 2024 and the other villagers are also entitled to participate in Kumbabhishekam. If the petitioner in W.P.No.27502 of 2024 creates any law and order problem, there shall be a direction to the concerned Superintendent of Police to intervene and allow the petitioner in W.P.No.27336 of 2024 and the other villagers to participate in Kumbabhishekam.

8. Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

13.09.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



W.P.Nos.27336 and 27502 of 2024

To

1. The Deputy Superintendent of Police,
Cuddalore,
Cuddalore District.
2. The District Revenue Officer,
Cuddalore,
Cuddalore District.
3. The Tasildhar,
Cuddalore Taluk,
Cuddalore District.
4. The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.
5. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Cuddalore,
Cuddalore.
6. The Inspector,
Hindu Religious and Charitable Endowment Department,
Cuddalore,
Cuddalore.
7. The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai-600 034.



W.P.Nos.27336 and 27502 of 2024

8.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Cuddalore-607 002.

9.The Special Tahsildar
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Nellikuppam Police Station,
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W.P.Nos.27336 and 27502 of 2024

M.DHANDAPANI, J.

ssb

W.P.Nos.27336 and 27502 of 2024

13.09.2024