



W.P(MD)Nos.1963 and 4830 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.1963 and 4830 of 2024

and

W.M.P.(MD)No.1956 of 2024

W.P.(MD)No.1963 of 2024:-

M.Babu

... Petitioner

Vs.

- 1.The District Registrar,
Nagercoil,
Kanyakumari District.
- 2.The Sub Collector,
Padmanabapuram,
Thuckalay,
Kanyakumari District.
- 3.The Joint Registrar,
Co-Operative Societies,
Thuckalay,
Kanyakumari District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Kanyakumari District.
- 5.C.Rajakumar
- 6.T.Chellam
- 7.R.Murugan



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8.K.Nesamony

9.T.Murugesan

10.S.Sureshraman Nadar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to take action regarding conducting election in the petitioner's association namely “Mandaikadu Arulmigu Bhagavathi Amman Thirukovil Periya Chakra Thivetti Munnetra Committee”, Mandaikadu, Kanyakumari District vide the petitioner's representation dated 30.08.2023 which was forwarded to the 2nd respondent vide proceedings O.Mu.(A2) 5857/2023 dated 08.09.2023.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 to R3.
Mr.R.Shankar Ganesh for R4.
Mr.A.Srinivasan for R5 & R6.
Mr.S.Murugapandi for R7.
Mr.V.Sasikumar for R8.
Mr.C.Sankar Prakash for R9 & R10.

W.P.(MD)No.4830 of 2024:-

Mandaikadu Arulmigu Bhagavathi Amman Thirukovil
Periya Chakra Thivetti Munnetra Committee,
Represented by its President
T.Murugesan.

... Petitioner

Vs.



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- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Executive Officer,
Hindu Religious and Charitable
Endowment Department,
Mandaikadu Bhagavathi Amman Temple,
Mandaikadu, Kanyakumari District.
- 3.The Health Inspector,
Muttam,
Kanyakumari District.
- 4.The Sub Inspector of Police,
Mandaikadu Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission to provide Annadhanam, Butter Milk, Break Fast and other connected services inside the petitioner Association Building namely “Mandaikadu Arulmigu Bhagavathi Amman Thirukovil Periya Chakra Thivetti Munnetra Committee” from 03.03.2024 to 12.03.2024 to the public and devotees of the Mandaikadu Arulmigu Bhagavathi Amman Thirukovil, forthwith.



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For Petitioner : Mr.C.Sankar Prakash

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 & R3.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R4.
Mr.R.Shankar Ganesh for R2.

COMMON ORDER

Heard both sides.

2.The issue concerns performance of Periya Chakra Thivetti Mandagapadi in connection with Masi festival of Arulmigu Bhagavathi Amman Thirukovil, Mandaikadu. The said Mandagapadi is carried out by a registered society namely, Mandaikadu Arulmigu Bhagavathi Amman Thirukovil Periya Chakra Thivetti Munnetra Committee. It is not in dispute that the Mandagapadi and the Annathanam were performed under the leadership of one Murugan and Nesamani (President and Secretary for the year 2022). It is claimed by Thiru.T.Murugaesan that election was subsequently conducted and he was elected as the President in the election held on 27.08.2023. Form VII was submitted before the District Registrar, Nagercoil. Rajakumar and Chellam submitted their objections. Their contention was that the election was not



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properly conducted. The District Registrar, Nagercoil thereupon relegated the parties to move the jurisdictional Civil Court. The order dated 30.11.2023 was put to challenge by T.Murugesan before the Inspector General of Registration.

2.The question that arises for consideration is who should conduct the festival.

3.I suggested to both the parties that the Mandagapadi can be conducted by Thiru.Murugan and Thiru.Nesamani since they conducted the same last year (2023). The petitioner in W.P.(MD)No.1963 of 2024, Babu as well as Rajakumar and Chellam agreed to this proposal provided a proper election is conducted in the next month itself. Murugan accepted the said suggestion putforth by Babu, Rajakumar and Chellam.

4.Since consensus has been arrived at between the parties, both the writ petitions are disposed of in the following terms:-

(i) Periya Chakra Thivetti Mandagapadi shall be performed under the leadership of Murugan, S/o.Rasaiyyan and Nesamani, S/o.Kumarakkan. All the members of the society are entitled to equally participate in the event.



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(ii) Since it is a registered society, election should be conducted once in three years. The election held in August, 2023 has been questioned. Therefore, it is only just and proper, a fresh election is conducted. On 13.04.2024, the election for the society namely, Mandaikadu Arulmigu Bhagavathi Amman Thirukovil Periya Chakra Thivetti Munnetra Committee will be conducted and a fresh set of office bearers will be elected. Their three years tenure will commence on 14.04.2024 (1st Chithirai).

(iii) Thiru.R.Murali, Enrolment No.1545/1999, No.107, Law Chamber, Madurai Bench of Madras High Court, Mobile No:94437 27493, is appointed as Advocate Commissioner. He shall verify the membership list. He shall adhere to the procedures laid down in Tamil Nadu Societies Registration Act, 1975 and the Rules framed thereunder. 21 days notice shall be issued.

(iv) As regards the membership list, there does not appear to be much of dispute. There were 102 members originally and 60 members were subsequently added in the year 2019. It is also stated that 6 of them have passed away and four of them have been deleted.



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(v) The learned counsel for Murugesan made available the schedule.

Programme shall be conducted as per the schedule under the leadership of Murugan and Nesamani. No costs. Consequently, connected miscellaneous petition is closed.

01.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 04.03.2024.

To:

- 1.The District Registrar,
Nagercoil, Kanyakumari District.
- 2.The Sub Collector,
Padmanabapuram,
Thuckalay,
Kanyakumari District.
- 3.The Joint Registrar,
Co-Operative Societies,
Thuckalay,
Kanyakumari District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Kanyakumari District.
- 5.The District Collector,
Kanyakumari District,
Nagercoil.



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ias

6.The Health Inspector,
Muttam,
Kanyakumari District.

7.The Sub Inspector of Police,
Mandaikadu Police Station,
Kanyakumari District.

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