



W.P(MD)No.2594 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.2594 of 2024

Arulmigu Kattu Karuppannasamy Temple,
Rep by its Hereditary Trustee,
A.Nagalingam,
S/o.Alagappa Pillai,
51/4, Ashok Nagar,
Mohammedshapuram,
Tirumangalam,
Madurai District.

... Petitioner

/Vs./

- 1.The Joint Commissioner (HR &CE),
Office of the Joint Commissioner,
HR & CE Department,
Madurai, Madurai District.
- 2.The Assistant Commissioner (HR &CE),
Office of the Assistant Commissioner,
HR & CE Department,
Madurai, Madurai District.
- 3.The Executive Officer,
Arulmigu Thandayuthapani Thirukovil,
Nethaji Salai, Madurai.
- 4.S.Mahalingam

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first and second respondents to



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permit the petitioner and his community people to participate and celebrate the Sivarathiri festival from 21.02.2024 to 20.03.2024 at Arulmighu Kattu Karuppanna Samy Temple, Maravankulam Village, Tirumangalam Taluk, Madurai District based on the representation dated 24.01.2024.

For Petitioner : Mr.J.Jeyakumaran
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 : Mr.N.Dilip Kumar

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the first and second respondents to permit the petitioner and his community people to participate and celebrate the Sivarathiri festival from 21.02.2024 to 20.03.2024 at Arulmighu Kattu Karuppanna Samy Temple, Maravankulam Village, Tirumangalam Taluk, Madurai District based on the representation dated 24.01.2024.

2.The petitioner claims to be the hereditary trustee of the petition mentioned temple and the people belonging to all the community are worshipping the temple from the time immemorial. The petitioner states that the temple was constructed by the ancestors of the petitioner community about 160 years ago and maintained by the petitioner's community people. Mahasivarathiri festival is



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being celebrated by the petitioner's community for the past 160 years and all other community people were also allowed to participate in the Mahasivarathiri festival.

3.While so, the fifth respondent community was permitted by the petitioner community to worship the god. Taking advantage of the same, the fifth respondent community with an intention to acquire the administration of the temple raised a dispute over the administration of the temple in question by filing a suit before the civil Court and an application before the Hindu Religious and Charitable Endowment Department. In that issue, the Department appointed a fit person. Now the issue regarding administration of the temple is now pending before the Joint Commissioner of the Hindu Religious and Charitable Endowment Department. Pending issue, the petitioner made a representation to the official respondents seeking permission to celebrate Mahasivarathiri festival. Since the same was not considered, the petitioner has filed the present writ petition.

4.The learned counsel for the petitioner submits that the Mahasivarathiri, which falls on 08.03.2024, shall be conducted by the Fit Person in the petition mentioned temple and the petitioner's community is ready to be a participant in that festival, for which the learned counsel for the fourth respondent has no



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objection and the fourth respondent's community is also ready to participate in the festival to be conducted by the Fit Person.

5. In view of the submissions made by the learned counsel appearing on either side, the following directions are issued in this writ petition:

(i) The Mahasivarathiri festival, which falls on 08.03.2024, shall be conducted by the Fit Person in the petition mentioned temple.

(ii) The Fit Person shall permit all the interested persons from all community to participate in the festival.

(iii) No first right shall be given to any of the community people.

(iv) If the petitioner and the fourth respondent are willing to have the festival on a separate day, the Fit Person shall allot one day separately to the petitioner and the fourth respondent from 21.02.2024 to 20.03.2024 except 08.03.2024.

(v) The Fit Person shall ensure that the festival scheduled to be conducted on 08.03.2024 is being celebrated in a peaceful manner. If it requires, the Fit Person shall approach the concerned Police officials for providing adequate police protection to conduct the festival in a peaceful manner. The police officials shall also provide necessary police protection.



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6. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

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HR & CE Department,
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2. The Assistant Commissioner (HR & CE),
Office of the Assistant Commissioner,
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B.PUGALENDHI,J.

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