



W.P.(MD)No.3347 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.3347 of 2024

Lakshman Chettiar

... Petitioner

versus

1. The Commissioner,
HR&CE Department,
No.119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai.
2. The Joint Commissioner,
HR&CE Department,
Muthusamy Nagar,
Sivagangai District.
3. The Assistant Commissioner,
HR&CE Department,
Collectorate Campus,
Sivagangai District.
4. The Inspector,
HR&CE Department,
Devakottai.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 4 to forthwith grant, permission to conduct Kumbabishekam in the petitioner's family temple, namely, Arulmighu Mummudinadhar Thirukovil at Iravuserry Village, Devakottai Taluk and Town, Sivagangai District, on 24.02.2024 as per Tamil Vazhi Archanai.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.P.Subba Raj,
Special Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus, directing the respondents 1 to 4 to grant permission to conduct Kumbabishekam in Arulmighu Mummudinadhar Thirukovil at Iravuserry Village, Devakottai Taluk and Town, Sivagangai District, on 24.02.2024 as per Tamil Vazhi Archanai.



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2. The learned counsel appearing for the petitioner submits that the petitioner is the Hereditary Trustee of Arulmighu Mummudinadhar Thirukovil at Iravuserry Village, Devakottai Taluk and Town, Sivagangai District. According to him, this Temple was established by the petitioner's grandfather M.R.M.K.L.Krishnan Chettiar and administered by their family members. After the demise of his grandfather, his father K.Arunachala Chettiar had administered the Temple and he died on 08.03.1974. After the demise of his father, he has been administering the temple. Thereafter, on the application filed by the petitioner, the Joint Commissioner, HR&CE Department, Sivagangai, by order dated 07.11.2019, in M.P.No.36 of 2019, has recognized him as a Hereditary Trustee of the Temple. After taking over the charge, the petitioner has taken efforts to conduct the consecration for this temple and informed the same to the HR&CE Department. The Joint Commissioner, Sivagangai, by proceedings in Na.Ka.No.6936/2017/E3 dated 25.02.2020, has granted permission for conducting Balalayam in the Temple and also directed the Deputy



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Commissioner, HR&CE, Sivagangai, to supervise and monitor the same. After completing the work, the petitioner has fixed the date for consecration on 24.02.2024 in consultation with the Sivachariyar. A resolution was passed in the trust meeting on 19.01.2024 for conducting the consecration on 24.02.2024 and it was also communicated to the respondent by way of a representation. But, the respondent has not taken any decision on his representation. Therefore, the petitioner is before this Court.

3. Mr.P.Subba Raj, learned Special Government Pleader, who takes notice for the respondents, submits that the villagers of Iravuserry Village have raised certain objections and an advocate notice was received by the Department on 09.02.2024 from one Murugan. Therefore, the Assistant Commissioner, HR&CE Department, Sivagangai, by proceedings dated 14.02.2024, informed the petitioner that the decision with regard to conduct of Kumbabishekam was taken independently, without following the procedures and without even



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submitting the Muhurtha Pattolai (முகூர்த்தப் பட்டோலை) to the
Department.

4. This Court considered the rival submissions.

5. The petitioner has been declared as Hereditary Trustee of the Temple, by the Joint Commissioner, HR&CE Department, Sivagangai, by order dated 07.11.2019. In the order dated 07.11.2019 passed in M.P.No.36 of 2019, it has been mentioned that prior to the petitioner, his father Arunachala Chettiar was maintaining this temple as Hereditary Trustee. After his demise, the petitioner Lakshmana Chettiar has been declared as Hereditary Trustee. After taking over the charge as Hereditary Trustee, the petitioner has also made a request for conducting a Balalayam in the temple and the same was permitted by the Joint Commissioner, HR&CE Department, Sivagangai, by his proceedings dated 25.02.2020. The Joint Commissioner, HR&CE, Sivagangai, has also issued a direction to the Deputy Commissioner,



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HR&CE, Sivagangai, to be present at Balalayam. The respondent

Department was aware that the Balalayam was conducted on 26.02.2020. Thereafter, with regard to conduct of consecration, a resolution was passed in the trust meeting on 19.01.2024 and the same has been communicated to the respondent Department. The respondent has not taken any decision on the representation of the petitioner either permitting him to proceed with the consecration or by informing the procedures, if any, have to be complied with.

6. The petitioner has made all arrangements for conducting the consecration on 24.02.2024. Now, the respondent Department is taking a stand that the villagers are objecting and they have received a legal notice from one Murugan, an Advocate. On this ground of objection from any sect of people, the consecration, which is scheduled to be conducted on 24.02.2024, cannot be stopped. The consecration festival has to proceed as scheduled.



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7. Further, the respondent Department is not supposed to carry over on the legal notice received, when the petitioner is the Hereditary Trustee of the Temple and the process of consecration was permitted by the department allowing the petitioner to conduct Balalayam in the year 2020.

8. The petitioner has given an undertaking before this Court that he will not prevent any community people from participating in the consecration and all the villagers can participate during the Kumbabishekam.

9. Therefore, this writ petition is disposed of, permitting the petitioner to proceed with the consecration as scheduled on 24.02.2024. The petitioner is also at liberty to file an application before the Jurisdictional Inspector of Police seeking necessary police protection, if he apprehends any law and order problem and the Police has to provide necessary protection. The second respondent/the Joint



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Commissioner, HR&CE Department, Sivagangai, shall ensure that the Kumbabishekam is preformed in a peaceful manner. No costs.

10. Post the matter on 01.03.2024 for reporting compliance.

15.02.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note: Issue order copy on 16.02.2024.

To

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No.119, Uthamar Gandhi Road,
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Chennai.

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B.PUGALENDHI, J.

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