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W.P.(MD)NO.4397 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4397 of 2024

M.Sonai Ragavan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Madurai, Madurai District.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.
3. The Tahsildar,
Madurai West, Madurai.
4. The Commissioner of Police,
O/o.the Commissioner of Police,
Madurai.
5. The Inspector of Police,
Thideer Nagar police station,
Madurai.
6. K.Mani @ Nadukaattan
7. M.Sonaimuthu

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent Nos. 1 and 3 herein to grant permission to proceed Maha Shivaratri function at Arulmigu Sonaiya Kovil at Kaajimar Street, and Arulmigu Sonaiya kovil, Glasskara Street, Town Hall road, Madurai City on 08.03.2024 or any



other day of the Maha Shivaratri festival which may held at the above said two temples by considering the petitioner's representation dated 06.02.2024.

For Petitioner : Mr.K.Dhanasekar
For R-1 to R-3 : Mr.M.Ramesh Arumugam,
Government Advocate.
For R-4 & R-5 : Mr.A.Albert James,
Government Advocate.
For R-6 & R-7 : Mr.S.Madhavan
* * *

ORDER

Heard both sides.

2. The case on hand pertains to celebration of Maha Shivaratri function at the petition-mentioned temple. The sixth respondent had earlier filed O.A.No.10 of 2021 on the file of the Joint Commissioner, HR&CE, Madurai under Section 63 (b) of The Tamil Nadu Hindu Religious and Charitable Endowments Act 1959 and obtained declaration that he is the trustee of the temple. The said order has also given a finding that the sixth respondent is performing Pooja.

3. The petitioner's grievance is two fold:

a) The sixth respondent is preventing the petitioner and his



Pangalies from participating in the worship.

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b) The petitioner is also a Poojari.

4. The issue as to who is the Poojari is a contentious aspect. I do not want to go into the same. However the petitioner's right to offer worship cannot be prevented. In fact the sixth respondent has also filed a memo stating that Pooja will be performed between 10.00 p.m to mid night on 08.03.2024 and that no one will be prevented from offering worship. The petitioner and his Pangalies shall be permitted to be in the temple premises and offer their worship along with other devotees. This shall not be restrained by any person. If the petitioner's right to offer worship is prevented, it shall be construed as an act of Contempt of Court. However, the petitioner's claim regarding Poojariship is left open.

5. The petitioner is given liberty to challenge the order dated 20.09.2021 before the Commissioner of HR&CE. If any such appeal is filed within a period of four weeks from the date of receipt of a copy of this order, it shall be entertained by the Commissioner without reference to limitation and disposed of on merits and in accordance with law within a period of six months, thereafter. It is open to the petitioner herein to attack the finding given in favour of the sixth respondent in the said appeal. Granting such liberty to the petitioner herein and with the



aforesaid direction, this writ petition stands disposed of. No costs.

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05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Note : Issue order copy on 06.03.2024.

To:

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G.R.SWAMINATHAN,J.



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