



W.P(MD)No.4759 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4759 of 2024 and
WMP(MD) No.4574 of 2024

1. Karthik
2. Settu

... Petitioners

Vs

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Trichy District.
- 2.The Assistant Commissioner/Fit Person,
A/m Sri Gneeliwaneshwarar Temple,
Thiruppaingngeeli,
Manachanallur Taluk,
Trichy District.
- 3.The Executive Officer,
A/m Sri Gneeliwaneshwarar Temple,
Thiruppaingngeeli,
Manachanallur Taluk,
Trichy District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing



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the respondents to follow the customary practice of goat sacrifice to the deity in a rotational basis based on the resolution passed in the year of 1990 and based on the representation dated 19.02.2024 and further to direct the 1st respondent to dispose of the original application in O.A.No. 2/2020 on merits, which is pending for disposal within a time frame stipulated by this Court.

For Petitioner	: Mr.S.Ramanathan
For R1 & R2	: Mr.P.Subba Raj Special Government Pleader
For R3	: Mr.V.Chandrasekaran

ORDER

The case of the petitioner is that there is a temple, namely, Arulmighu Gneeliwaneshwarar Temple and its sub temple, namely Vanathayi Amman Temple located at Manachanallur Taluk, Trichy District. These temples are maintained and worshipped by the three hamlets from Melur, Keelur and Thekkiyur. The petitioner is the Pattayatharar of Thekkiyur Hamlet. During the Masi festival, there is a practice of sacrificing goat before the Chariot vehicle on a rotational basis, based on the resolution passed in the year 1990. However, from the year 2019, the petitioner's right has been denied and therefore, the petitioner has filed an application before the Joint



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Commissioner in O.A.No.2 of 2020 under Section 63(e) of HR & CE Act,1959 to recognize his right of sacrificing goats along with other Hamlets and the same has not been decided so far.

2.The learned counsel appearing for the petitioner submits that the petitioner has submitted a representation to the Joint Commissioner to permit the petitioner to perform his right during the previous year Masi festival and filed a writ petition in WP(MD) No.3696 of 2022. This Court has directed the Joint Commissioner to consider the representation of this petitioner, by order dated 28.02.2022. However, the Joint Commissioner instead of deciding the OA has disposed of the representation by referring the pendency of OA that the right has been conferred on the petitioner only on conclusion in the OA. Therefore, the petitioner has filed this writ petition seeking Mandamus to direct the respondents to follow the customary practice of goat sacrifice to the deity on a rotational basis, based on the resolution passed in the year 1990 by considering his representation, dated 19.02.2024.



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3.Mr.Subba Raj, learned Special Government Pleader takes notice for the respondents 1 & 2 and Mr. V.Chandrasekaran, learned counsel takes notice for the third respondent and submit that O.A.No.2 of 2020 filed under Section 63(e) of HR & CE Act,1959 is pending before the Joint Commissioner and the same would be disposed of within a period of three months and on its disposal, the right of the petitioner can be decided.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The grievance of the petitioner is that the petitioner's hamlet, namely, Thekkiyur Hamlet alone has been denied the customary practice of sacrificing goat before the Chariot vehicle during the Masi festival conducted in Arulmighu Gneeliwaneshwarar Temple and its sub temple, namely Vanathayi Amman Temple, when other two hamlets Melur and Keelur are



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permitted to do the same. In this regard, O.A.No.2 of 2020 has also been filed under Section 63(e) of HR & CE Act,1959 and the same is pending before the Joint Commissioner. The petitioner has approached this Court to direct the respondent to permit the petitioner to perform customary practice and to direct the respondents to dispose of OA. Since the learned counsel on either side submit that the pending O.A would be disposed of within a period of three months and on its disposal, the right of the petitioner can be decided, this writ petition is disposed of with a direction to the Joint commissioner to dispose of O.A.No.2 of 2020, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

01.03.2024

NCC: Yes/No

Index:Yes/No

Internet:Yes

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Note: Issue order copy on 01.04.2024



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To
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- 1.The Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowment Department,
Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
Tamilnadu Hindu Religious and
Charitable Endowment Department,
Sivagangai.



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.4759 of 2024 and
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