



W.P(MD)No.5109 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.5109 of 2024

Mohan @ Mohanasundram

...Petitioner

Vs.

1. The District Collector,
Collectorate Campus,
Virudhunagar -626 002

2.The Revenue Divisional Officer,
Srivilliputhur Road,
Sivakasi,
Virudhunagar District – 626 123

3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District – 626 125

4.The Joint Commissioner,
Office of Joint & Assistant Commissioner,
HR & CE Department, Ellis Nagar,
Madurai- 625 016

5.The District Superintendent of Police,
District Collectorate,
Virudhunagr – 625 002

6. The Inspector of Police,



W.P(MD)No.5109 of 2024

Srivilliputhur Town Police Station,
Srivilliputhur – 626 125

7. The District Registrar,
District Registration Office,
Virudhunagar District

8.T.Selvaraj

9.S.Senthil Kumar

10.S.Santhi

11.S.Lakshmi

12.S.Meenatchi

....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus directing the 1 to 4th respondents to conduct enquiry and to forbear the 8th respondent and his allies from conducting the Massi festival coming on 10.03.2024 11.03.2024 till the disposal of OA NO.14/2024 on the file of the 4th respondent based on the petitioner's representation dated 23.02.2024, within the stipulated time fixed by this Court.

For Petitioner : Mr.G.Sakthi Rao

For R1 to R4 & R7 : Mr. P.Subbaraj

Special Government Advocate

For R5 & R6 : Mr.M.Vaikkam Karunanidhi

ORDER

This Writ Petition has been filed for issuance of writ of mandamus directing the respondents 1 to 4 to conduct enquiry and



W.P(MD)No.5109 of 2024

to forbear the 8th respondent and his allies from conducting the Maasi festival coming on 10.03.2024 and 11.03.2024 till the disposal of OA NO.14/2024 on the file of the 4th respondent based on the petitioner's representation dated 23.02.2024.

2. The petitioner claims that he is a legal heir of the previous Trustee in Arulmigu Draupadi Amman Temple @ Dharmar Temple situated in Srivilliputhur, Virudhunagar District. This temple, according to the petitioner, was established by his grand father one Sangiah Thevar 142 years ago and after the demise of Sangiah Thever, the petitioner's father Ramasundaram @ Sethupandiyan managed the temple as a hereditary Trustee. Ramasundaram @ Sethupandiyan is having six legal heirs namely Tamilselvi, Santhi, Lakshmi, Meenakshi, the petitioner and his brother Senthil Kumar. The petitioner's father died on 12.12.2011. Thereafter, the petitioner has approached the respondent to permit him to function as hereditary Trustee. However, the same has not



W.P(MD)No.5109 of 2024

WEB COPY

been considered. Therefore, the petitioner has filed Original Application before the Joint Commissioner in O.A.No.14 of 2024 to declare him as hereditary Trustee of the said temple. The same is pending. In the meantime, the 8th respondent claims to be the hereditary Trustee and taking steps to conduct Maasi festival on 10.03.2024 and 11.03.2024. Therefore, the petitioner has approached this Court seeking a direction to the respondents 1 to 4 to forbear the 8th respondent to conduct Maasi festival on 10.03.2024 and 11.03.2024 till the disposal of O.A.NO.14 of 2024 dated 23.02.2024.

3. Mr.P.Subba Raj, learned Special Government Pleader takes notice for the respondents 1 to 4 and 7 and submits that the 8th respondent was already declared as hereditary Trustee in M.P.No.47 of 2019 dated 30.01.2020. He further submits that O.A.No.14 of 2024 was filed by the petitioner only in the year 2024 and the same is pending before the Joint Commissioner.



W.P(MD)No.5109 of 2024

WEB COPY

4. This Court gave its anxious consideration to the submissions made by the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 4 and 7 and the learned Government Advocate appearing for the respondents 5 and 6 and perused the materials available on record.

5. According to the petitioner, he is not even aware that the 8th respondent has already been declared as hereditary Trustee and there cannot be any order in favour of the 8th respondent, without providing an opportunity of personal hearing to the petitioner. The petitioner has approached this Court for forbearing the 8th respondent from conducting the festival on 10.03.2024 and 11.03.2024. It is represented by the learned Special Government Pleader that the 8th respondent was already declared as hereditary Trustee. The petitioner has also filed O.A.No.14 of 2024 to declare him as hereditary Trustee and the same is still pending.



W.P(MD)No.5109 of 2024

WEB COPY

6. In these circumstances, the petitioner can work out his remedy before the Joint Commissioner in O.A.No.14 of 2024, which is still pending.

7. This Court is not inclined to entertain this Writ Petition and the same is dismissed. No costs.

05.03.2024

Index : Yes / No
NCC : Yes / No
CM



WEB COPY



W.P(MD)No.5109 of 2024

To,

1. The District Collector,
Collectorate Campus,
Virudhunagar -626 002

2.The Revenue Divisional Officer,
Srivilliputhur Road,
Sivakasi,
Virudhunagar District – 626 123

3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District – 626 125

4.The Joint Commissioner,
Office of Joint & Assistant Commissioner,
HR & CE Department, Ellis Nagar,
Madurai- 625 016

5.The District Superintendent of Police,
District Collectorate,
Virudhunagr – 625 002

6. The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur – 626 125



W.P(MD)No.5109 of 2024

7. The District Registrar,
District Registration Office,
Virudhunagar District



WEB COPY



W.P(MD)No.5109 of 2024

B.PUGALENDHI, J.

CM

W.P.(MD)No.5109 of 2024

05.03.2024