



W.P(MD)No.5633 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5633 of 2024

V.Chandrasekar,
S/o.P.Varadarajan,
Advisor to Thiruppani Committee,
Arulmighu Mumudi Nathar Thirukoil
Eravuseri Village,
Devakottai Taluk,
Sivagangai District.

... Petitioner

versus

1. The Commissioner,
HR&CE Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai.
2. The Joint Commissioner,
HR&CE Department,
Muthusamy Nagar,
Sivagangai District.
3. The Assistant Commissioner,
HR&CE Department,
Collectorate Complex,
Sivangani District.
4. A.Lakshmana Chettiar
5. Murugan
6. Valleeeswaran
7. Varatharajan
8. Kumar

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to grant necessary permission to remove the Kalasam in the presence of the Deputy Commissioner or an officer nominated by the Commissioner and also for fixing the new kalasam if needed apart from granting permission to perform the Kumbabhishekam in Arulmighu Mumudi Nathar Thirukoil, Eravuseri Village, Devakottai Taluk, Sivagangai District, as a special case within a reasonable time.

For Petitioner : Mr.V.Chandrasekar
For R1 to R3 : Mr.P.Subba Raj,
Special Government Pleader
For R4 : Mr.P.M.Vishnuvardhanan
For RR5, 7 and 8 : Mr.N.Dilipkumar
For R6 : Mr.V.Kathirvelu, Senior Counsel
for Mr.K.Jeyamohan

ORDER

This writ petition is filed by the Advisor to Thiruppani Committee for a Mandamus, directing the respondents 1 to 3 to grant necessary permission to remove the Kalasam in the presence of the Deputy Commissioner or an officer nominated by the Commissioner and also for fixing the new kalasam, if needed, apart from granting permission to perform the Kumbabhishekam in



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Arulmighu Mumudi Nathar Thirukoil, Eravuseri Village, Devakottai
Taluk, Sivagangai District.

2. Arulmighu Mumudi Nathar Temple is an ancient temple and the temple consecration was conducted in the year 1908 and thereafter, the consecration was not conducted for more than 100 years. The present Hereditary Trustee has made arrangements for conducting consecration in the year 2023, for which, Balalayam was also performed in the year 2020. However, there was a dispute between the Hereditary Trustee and Villagers. Therefore, the HR&CE Department has not granted permission for conducting Kumbabhishekam. Aggrieved over the same, the Hereditary Trustee has approached this Court by way of earlier writ petition in W.P. (MD)No.3347 of 2024. Since the HR&CE Department has rejected the request of the Hereditary Trustee for conducting Kumbabhishekam, based on a legal notice issued by an Advocate, without assigning any valid reasons, this Court, by order dated 15.02.2024, allowed the writ petition in W.P.(MD)No.3347 of 2024



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and also permitted the Hereditary Trustee to proceed with Kumbabhishekam.

3. Thereafter, the Villagers along with Gurukkal have filed a review application in Rev.Aplc.(MD)No.35 of 2024 alleging that the Hereditary Trustee has not completed certain works and the date for Kumbabhishekam was also fixed on a Saturday, which according to them, is not a proper date for conducting Kumbabhishekam. Considering the rival submissions made by the counsels in the Review Application, this Court, by order dated 21.02.2024, has passed the following order:

9.Considering the facts and circumstances of the case, in order to conduct the Kumbabisekam festival in a peaceful manner, this Court issues the following directions:

(i)A Thirupani committee headed by the Hereditary Trustee along with Inspector of H.R.& C.E., Department, and any Executive Officer of the nearby temple shall be formed.

(ii)A separate account has to be opened in the



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name of the Thirupani Committee and all the income and expenditure has to be monitored by the Thirupani Committee.

(iii) If the villagers are willing to contribute in the Thirupani, they can approach to the Thirupani Committee and the Thirupani Committee shall also permit them to do their work.

(iv) The first respondent/hereditary trustee, who initiated the Kumbabisekam work for this temple, has spent some amount with regard to the Kumbabisekam from his own sources and therefore, the hereditary trustee shall be permitted to spend his own money for the works, which were initiated by him.

(v) The Thirupani committee shall also permit the villagers or the hereditary trustee to do the remaining works individually as a donar.

(vi) If any of the parties are intending to collect donation for doing certain works in the temple, the same can be collected only through the common account maintained in the name of the Thirupani Committee. Individuals are not expected to collect any donation in the name of Thirupani.

(vii) Mr. Chandrasekaran, learned Senior Counsel, who is more acquainted with the temple



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affairs, is expected to advise the Thirupani Committee and to ensure that this Kumbabisekarm is performed in a peaceful manner by permitting the villagers to participate in the Kumbabisekam.

4. Now, the Advisor, appointed by this Court for completing the task of conducting Kumbabishekam, has filed this writ petition on the ground that certain necessary permissions have to be obtained from the HR&CE Department for removing Kalasam and to replace the same, if necessary. In this regard, a representation has also been made on behalf of the Thiruppani Committee. The Hereditary Trustee has also made an application before the Commissioner of HR&CE Department.

5. Mr.V.Kathirvelu, learned Senior Counsel appearing for the sixth respondent submits that the sixth respondent is the hereditary poojari of the temple and therefore, necessary direction has to be issued, permitting the sixth respondent to participate in the Kumbabhishekam.



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6. If the 6th respondent claims that he is the hereditary poojari of the temple, he can work out his remedy before the Joint Commissioner of the HR&CE Department.

7. The date originally fixed for consecration was postponed on account of the litigation. Now, the Advisor has filed this writ petition seeking a direction to the Commissioner of HR&CE Department to grant permission for proceeding with the works related to consecration. Since the date fixed was changed already, any further delay has to be avoided. Therefore, this Court directs the first respondent/the Commissioner of HR&CE Department, Chennai to consider the petitioner's application for removing Kalasam and grant permission as expeditiously as possible, within a period of one week from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is allowed. No costs.

07.03.2024

NCC: Yes/No

Index: Yes/No

Internet: Yes

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B.PUGALENDHI, J.

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To

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