



W.P.(MD) No.8757 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.8757 of 2024

Pitchandi

... Petitioner

/vs./

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Joint Commissioner,
HR & CE Department,
Tirunelveli,
Tirunelveli District.
- 3.The Executive Officer,
Sree Arultharum Ulabamuthirai Ambal Samedha
Arulmigu Agasteeswarar Thirukovil,
Kallidaikuruchi,
Ambasamudram Taluk,
Tirunelveli District.
- 4.The Deputy Superintendent of Police,
Ambasamudram,
Tirunelveli District.
- 5.The Inspector of Police,



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Kallidaikuruchi Police Station,
Tirunelveli District.

6.Murugandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to allow petitioner and his community peoples to take Palkudam, in Panguni 7th day festival on 11.04.2024 in pursuant to the temple namely Sree Arultharum Ulabamuthirai Ambal Samedha Arulmigu Agasteeswarar Thirukovil, Kallidaikuruchi, Ambasamudram Taluk, Tirunelveli District by considering the petitioner's representation dated 02.04.2024.

For Petitioner : Mr.S.Sathyachidambaram

For R1 & R2 : Mr.P.T.Thiraviam
Government Advocate (Crl.side)

For R4 & R5 : Mr.S.Manikandan
Government Advocate (Crl.side)

For R6 : Mr.H.Arumugam

ORDER

The petitioner has filed this Writ Petition for a Mandamus to direct the respondents to allow the petitioner and his community peoples to take Palkudam, in Panguni 7th day festival on 11.04.2024 in precinct of the temple, namely Sree Arultharum Ulabamuthirai Ambal Samedha Arulmigu Agasteeswarar Thirukovil,



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Kallidaikuruchi, Ambasamudram Taluk, Tirunelveli District by considering the petitioner's representation dated 02.04.2024.

2.The petitioner has filed a representation on 02.04.2024 with the respondents 1 to 5 and has straight away proceeded to file the present writ petition on 04.04.2024 for the above relief.

3.The learned Government Advocate (Crl.side) for the respondents 1 and 2 would submit that the temple is not coming within the purview of HR & CE Department and is governed by a scheme decree framed by the Joint Commissioner on 13.11.1934 in Board's Order No.3674 in O.A.No.357 of 1932.

4.That apart, the learned counsel for the sixth respondent would submit that the temple belongs to Sengunthar Muthaliar Community. In this connection, para 5 of the order passed by the Board on 13.11.1934 in Board's Order No.3674 in O.A.No.357 of 1932 was referred to. Relevant portion of the same reads as under:-



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“5.The right to manage the affairs and properties of the temple belongs to and is vested exclusively in the whole community of Shengunthar Mudaliars residing in the village of Vadakku Kallidaikurichi. The temple shall be managed by the community in conformity with the scheme by three trustees elected at a meeting of the community as hereinafter provided. Definition:--6. The word community shall mean the members of Shengunthar Mudaliars of Vadakku Kallidaikurichi.”

5.The learned Government Advocate (Crl.side) for the respondents 4 and 5 would submit that the proceeding under Section 107 Cr.P.C., has been clamped. A report to that effect has also been filed, which is dated 20.02.2024. Be that as it may, since the temple is outside the purview of the respondents 1 and 2 and is under the trusteeship of the sixth respondent, pursuant to the order passed by the Board on 13.11.1934 in Board's Order No.3674 in O.A.No.357 of 1932, I find no merit in the present writ petition. Therefore, this Writ Petition is liable to be dismissed and is accordingly dismissed. No costs.

Index : Yes / No
Internet : Yes / No
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05.04.2024

4/6



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C.SARAVANAN, J.

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