



W.P.(MD) No.8894 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.8894 of 2024

1.V.Ranjitham

2.V.Madhavan

... Petitioners

/vs./

1.The Joint Commissioner,
HR & CE, B-1 Road,
Ellis Nagar,
Madurai.

2.The Executive Officer,
Sri Arulmigu Kallazhagar Thirukovil,
Azhagarkovil,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to allow the petitioners to conduct Vandiyur Mandagapadi for the year 2024 and direct to give receipt on the name of the 1st petitioner for Vandiyur mandagapadi for the year 2024.

For Petitioners : Mrs.B.Bhuvaneshvari



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For R1 : Mr.P.Subbaraj
Special Government Pleader

For R2 : S.Manohar
Standing Counsel

ORDER

The petitioners are the mother and the third son of late.Venkatramana Poosari. Earlier, there was a dispute between the first petitioner's husband/father of the second petitioner against his brother in O.S.No.348 of 1983 before the 1st Additional Subordinate Court, Madurai. There among the various orders that were passed, one of the orders pertained to the right of Mandagapadi on rotational basis between late.Venkatramana Poosari and his brother, Srinivasa Poosari.

2.It is informed by the petitioners that late.Venkatramana Poosari died in the year 2001. It is informed that throughout the period after the death of Venkatramana Poosari in 2001, the receipts for Mandagapadi were issued in the name of late.Venkatramana Poosari. It is admitted by the petitioners that presently O.S.No.517 of 2022 is pending before the Principal District Munsif Court, Madurai is pending at the behest of the second petitioner for permanent injunction against his siblings ie., 3 sisters and 3 other brothers. O.S.No.471 of



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2023 is also said to be pending for partitioning the suit schedule property. It is further submitted that the other son, namely Periyannan Poosari is getting the privilege of Mandagapadi in the ensuing Azhagar Kovil festival, which is to start from 21.04.2024 and end on 27.04.2024. It is submitted that the petitioners are entitled for privilege in the Mandagapadi and therefore, they have approached this Court.

3.The learned counsel for the second respondent temple would submit that there is an *inter se* dispute between the petitioners with the other legal heirs of late.Venkatramana Poosari. In this connection, he has drawn attention to the agreement dated 08.04.2005 signed by the second petitioner and the other sons of the second petitioner, namely Madhavan and Vasudevan, wherein it has been agreed that the elder son, namely Periyannan Poosari may be given the privilege during Mandagapadi. The learned counsel for the second respondent has also produced a copy of the communication of the said brother/son of the second petitioner, namely Periyannan Poosari.

4.I have considered the arguments advanced by the learned counsel for the



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petitioners and the learned Special Government Pleader for the first respondent and the learned Standing Counsel for the second respondent.

5.The petitioners are approaching at the eleventh hour before this Court, even though the petitioners have filed O.S.No.517 of 2022 and O.S.No.471 of 2023 for the larger relief, which is sought for against the other legal heirs of late.Venkatramana Poosari. That apart, if the petitioners are entitled to any privilege, the petitioners ought to have initiated proceedings under Section 63(e) of the HR & CE Act, 1959, before the first respondent. The petitioners have also not established any statutory right, which would entitle them a Mandamus at this stage. In any event, the Mandamus cannot be granted at the eleventh hour without notice to the other parties.

6.Accordingly, the Writ Petition stands dismissed with liberty to the petitioners to approach the first respondent under Section 63(e) of the HR & CE Act, 1959, so that the petitioners can at least know as to whether the petitioners are entitled to such privilege in the ensuing Azhagar Kovil festival for the calender year 2025.



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No costs.

Index : Yes / No
Internet : Yes / No
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To

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C.SARAVANAN, J.

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