



W.P.(MD) No.9120 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.9120 of 2024

P.Vigneswaran

... Petitioner

/vs./

- 1.The Commissioner,
Department of Hindu Religious and Charitable Endowment,
Uthamar Gandhi Salai,
Nungampakkam, Chennai.
- 2.The Joint Commissioner,
Department of Hindu Religious and Charitable Endowment,
Dindigul District, Dindigul.
- 3.The District Collector,
Theni District, Theni.
- 4.The Tahsildar,
O/o. the Tahsildar, Theni District.
- 5.Sabaribalaji
- 6.The Executive Officer,
Arulmighu Gowmariamman Temple,
Veerapandi Village, Theni District.
(R6 has been suo motu impleaded
vide order of this Court dated 12.04.2024)

... Respondents



W.P.(MD) No.9120 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to convene a Peace Committee Meeting with regard to peaceful conducting of the Chithirai Festival scheduled to be held in the month of May - 2024 at Arulmigu Gowmariamman Temple situated in Veerapandi Village, Theni District and further direct the 2nd respondent to permit the petitioner to conduct his Traditional Practice namely Mandagapadi in the above Temple Chithirai Festival by considering the petitioner's representations dated 23.02.2024 and 16.03.2024.

For Petitioner : Mr.A.Balaji

For R1 to R4 : Mr.P.T.Thiraviam
Government Advocate

For R5 : Mr.V.Chandrasekar

ORDER

This Writ Petition has been filed by the petitioner for a Mandamus to direct the third respondent to convene a peace committee meeting to conduct the Chithirai festival scheduled to be held in the month of May, 2024 at Arulmigu Gowmariamman Temple at Veerapandi Village, Theni District and to direct the second respondent to permit the petitioner to conduct his traditional practice, namely, Mandagapadi in the above temple's Chithirai Festival, by considering the petitioner's representations dated 23.02.2024 and 16.03.2024.



W.P.(MD) No.9120 of 2024

WEB COPY

2.The Writ Petition has been filed without impleading the subject temple, namely Arulmighu Gowmariamman Temple at Veerapandi Village, Theni District. The Mandagapadi was conducted by its President, namely K.S.Gubendrapandi, the father of the fifth respondent. He has died and therefore, for the current year, the right of Mandagapadi has been conferred on the same family now represented by the fifth respondent. This is objected by the petitioner and therefore, the petitioner has sent a representation dated 23.02.2024 to the respondents 1 and 2 without impleading the temple.

3.It is the complaint of the petitioner that after the death of the fifth respondent's father, K.S.Gubendrapandi, there has been no proper assignment of the privilege/rights in connection with Mandagapadi and that the fifth respondent has arrogated himself in the position as the privilege holder for sponsoring the temple festival of Arulmighu Gowmariamman Temple, Veerapandi Village, Theni District. Hence, it is prayed that a peace committee meeting be conducted.



W.P.(MD) No.9120 of 2024

WEB COPY

4.The learned counsel for the fifth respondent would submit that without impleading the temple, the writ petition has been filed. That apart, it is submitted that the privilege of Mandagapadi in the temple festival stands vested with the family of late.K.S.Gubendrapandi, from time memorial and has attained the status of custom and therefore, the petitioner, who is a non entity, cannot put spokes in the same. It is submitted that the family of the fifth respondent is sponsoring part of the temple festival and therefore, no interference is required. In any event, it is submitted that, that cannot be a direction for the peace committee meeting.

5.The learned Government Advocate for the respondents 1 to 4 would submit that the writ petition is not maintainable.

6.I have considered the arguments advanced by the learned counsel for the petitioner, learned Government Advocate for the respondents 1 to 4 and the learned counsel for the fifth respondent.

7.It appears that the privilege in the aforesaid temple festival was vested with the family of late.K.S.Gubendrapandi in the capacity as the descendant of



W.P.(MD) No.9120 of 2024

the Jameendhar of the aforesaid village. The post of a Jameendhar has stood diluted long before. Therefore, the question of granting such privilege to a family based on the abolished title to a particular family cannot be countenanced. At the same time, it is not open for the petitioner to put spoke in the ensuing temple festival for the Mandagapadi, which is later to be held during the month of May, 2024.

8.Considering the same, I am inclined to dispose of this writ petition by impleading the Executive Officer of Arulmighu Gowmariamman Temple, Veerapandi Village, Theni District as 6th respondent and directing the second respondent to consider the request of the petitioner under Section 63(e) of the HR & CE Act, 1959, as to whether the right to receive Mandagapadi contribution can solely vest with the family of late.K.S.Gubendrapandi after his death. It is expected that the second respondent will hear the petitioner, the respondents 5 and 6. This exercise will be completed by the second respondent within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the *status quo* as on date as far as the ensuing temple festival will not be disturbed unless ordered otherwise by the second respondent.



W.P.(MD) No.9120 of 2024

WEB COPY

9. With the above directions, the Writ Petition stands disposed of. No costs.

Index : Yes / No

12.04.2024

Internet : Yes / No

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W.P.(MD) No.9120 of 2024

C.SARAVANAN, J.

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W.P.(MD) No.9120 of 2024

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