



W.P.(MD) No.9203 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.9203 of 2024

K.G.Krishnamony

... Petitioner

Vs.

1.The Joint Commissioner,
Kanyakumari District Temples,
Head Office, Susindram,
Kanyakumari District.

2.The Executive Officer,
Arulmighu Bhagavathiamman Temple,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to grant permission to the petitioner, Kanyakumari District Marabusar Meetpu Kuzhu to welcome the Tamil New Year on 14.04.2024 at 6.11 a.m. by playing “Mangala Vathiyam” and “Sangunatham” in the Arulmighu Bhagavathiamman Temple, Kanyakumari District by considering the petitioner's representation dated 04.04.2024.

For Petitioner : Mr.S.Murugapandi

For Respondents : Mr.R.Sankar Ganesh
Standing Counsel



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ORDER

This Writ Petition has been filed by the petitioner at the eleventh hour and is listed today in lunch motion list.

2. Mr.R.Sankar Ganesh, learned Standing Counsel, takes notice for the respondents.

3. In this Writ Petition, the petitioner seeks for a direction to the respondents to grant permission to the petitioner, Kanyakumari District Marabusar Meetpu Kuzhu to welcome the Tamil New Year on 14.04.2024 at 6.11 a.m. by playing “Mangala Vathiyam” and “Sangunatham” in the Arulmighu Bhagavathiamman Temple, Kanyakumari District by considering the petitioner's representation dated 04.04.2024.

4. This Writ Petition is opposed by the learned Standing Counsel for the respondents on the ground that the very same request made by the petitioner during 2023 was rejected by the first respondent Joint Commissioner, Kanyakumari District Temples by its order dated 11.04.2023 bearing reference Se.Mu.Na.Ka.No.2000/2023.



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5. That apart, the learned Standing Counsel for the respondents would submit that there is neither a custom nor the petitioner has right which is sought to be canvassed in this Writ Petition. He would further submit that the petitioner may workout his remedy under Section 63(e) of the HR & CE Act, 1959.

6. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for he respondents.

7. In absence of statutory rights for playing “Mangala Vathiyam” and “Sangunatham” in the Arulmighu Bhagavathiamman Temple, Kanyakumari District, the petitioner cannot seek for a Mandamus. At best, the petitioner can file a petition before the appropriate Authority under Section 63(e) of the HR & CE Act, 1959, for establishing rights. Therefore, this Writ Petition is liable to be dismissed.

8. Accordingly, this Writ Petition is dismissed. No costs.

12.04.2024

Neutral Citation: Yes / No
JEN



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Copy To:

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- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Chennai – 600 034.
- 2.The Deputy Commissioner,
Hindu Religious and Charitable Endowments Department,
Palayamkottai, Tirunelveli.
- 3.The Executive Officer,
A/m. Ramalingaswamy Sivagami
Ambal Thirukoil,
Panagudi, Radhapuram Taluk,
Tirunelveli District.



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C.SARAVANAN, J.

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