



W.P.(MD) No.9386 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.9386 of 2024

and

W.M.P.(MD)No.8530 of 2024

S.Kulasekaran (President)
Arulmigu Sri Kulasekara Amman Kovil,
Komarathar Youth Federation,
1/57, Water Tank Street,
Urmel Alagiyar Village Post,
Kadayanallur Taluk,
Tenkasi District.

... Petitioner

Vs.

- 1.The Principal Secretary / Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai, Tamil Nadu - 600 034.
- 2.The Additional Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai – 34.
- 3.Urmelalagiyar Arulmughu Kulasekara Amman Thirukkivil,
Its Managing Trustee, S.Muthusamy,
S/o.Subbiah, D.No.3-77-3, Ponvilaz Veedhi,
Oormelalagiyar,
Tenkasi District.
- 4.Arulmozhi, W/o.Srithar
- 5.G.Rathainasamy



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6.The Superintendent of Police,
Tenkasi District, Tenkasi - 627 811.

7.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thoothukudi District. ... Respondents

[R7 is *suo motu* impleaded as per order dated 25.04.2024]

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus for a direction, to permit the Petitioner Youth Federation Sri Kulasekara Amman Kovil Komarathars (groups in community / congregation) to conduct a "Kudai festival" for each year with the help of 6th respondent and direct the 1st to 5th respondents not to interfere or hinder the festival.

For Petitioner	: Ms.Rama Priya for Ms.Indhira
For R1 and R2 & R7	: Mr.P.Subbaraj Special Government Pleader
For R3	: Mr.B.Deepa
For R4	: Mr.T.Indrachithu
For R6	: Mr.S.Manikandan Government Advocate (Criminal side)

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to permit the Petitioner's Youth Federation Sri Kulasekara Amman Kovil Komarathars (groups in community / congregation) to



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conduct a "Kudai festival" for every year with the help of 6th respondent and direct the respondents 1 to 5 not to interfere with or hinder the Temple festival.

2. This case was heard at length today. The case of the petitioner is that the Temple is predominantly worshipped by the Members of Komarathar Community from Tenkasi District and that the Temple is in existence from the time of the ancestors of the Members of the Petitioner's Federation as also the third respondent.

3. It is submitted that the Temple is almost 150 years old and that the H.R. & C.E. Department has hurriedly appointed a Thakkar [Fit Person] on 23.04.2024 after this Writ Petition was filed by the petitioner. It is informed by the learned counsel for the petitioner that the Petitioner's Federation has also filed O.A.No.9 of 2024 under Section 63(b) and (e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 before the Joint Commissioner, H.R. & C.E. Department, Thoothukudi District.



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4. This Writ Petition is opposed by the respondents particularly, the official respondents and the fourth respondent. It is further submitted that the fifth respondent has filed W.P.(MD)No.10653 of 2020 before the Division Bench of this Court as a Public Interest Litigation, for a direction to the respondents 1, 4 and 5 therein to take control and management of the Temple. The fifth respondent has also filed W.P.(MD)No.5346 of 2021 before the Division Bench of this Court as a Public Interest Litigation, for a direction to the respondents 2 to 9 therein to direct the 10th respondent therein to permit the fifth respondent and other Village people to offer their prayer in the Temple as per the existing customs.

5. It is further submitted that the third respondent has filed W.P. (MD)No.11675 of 2022, wherein the order of the Additional Commissioner, H.R. & C.E. Department, Chennai, taking control over the subject Temple on 02.05.2022 has been questioned. The said Writ Petitions are pending as on date.

6. It is further submitted that the Members of the third respondent have not allowed the members of other communities to worship in the subject Temple, though the learned counsel for the petitioner would



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submit that there is no discrimination practiced in the Temple. It is submitted that the fifth respondent was encroaching over the land of the Temple and since steps were taken to evict him, he has instigated violence, as a result of which, the Temple festivals have not been conducted for few years.

7. The learned counsel for the third respondent on the other hand would submit that the members of the third respondent as also the petitioner are practicing discrimination and abusing the members of other communities particularly, Navithar, Mudaliyar, Pillaimar and Schedule Caste and he thus, not allowing them to worship the deity in the Temple. That apart, it is submitted that the Temple is 1200 years old and was built during the Pandya reign and the presiding deity was Korkai, which has been now renamed as Arulmigu Sri Kulasekara Amman.

8. The learned Government Advocate (Criminal side) for the sixth respondent submits that the situation is not conducive for conduct of the Temple festival in the light of several criminal complaints pending against the members of the third respondent as also the petitioner, who have been resorting to discriminative and abusive practices.



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9. The learned Special Government Pleader for H.R. & C.E.

Department also confirms that based on the feedback received from the sixth respondent, it is not feasible to allow the petitioner for conducting the Temple festival. It is further submitted that the claim of the petitioner that the Temple is a private and denominational Temple has not been established in the manner known to law.

10. It is also submitted that unless there is a decree that the subject Temple is denominational Temple, question of entertaining such a view is not permissible.

11. I have considered the arguments advanced by Ms.Rama Priya, learned counsel for the petitioner; Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 and 2; Ms.B.Deepa, learned counsel for the third respondent; Mr.T.Indrachithu, learned counsel for the fourth respondent; and Mr.S.Manikandan, learned Government Advocate (Criminal side) for the sixth respondent.

12. This Writ Petition is disposed of by directing the second respondent or any other Senior Officer to ensure that the Temple festival



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namely, Kudai festival in the subject Temple viz., Arulmigu Sri Kulasekara Ammal Kovil is conducted under the strict supervision of the H.R. & C.E. Department.

13. The sixth respondent as also the Deputy Superintendent of Police, Tenkasi District, shall ensure that adequate number of Police force is deployed on the date on which the Temple festival is to be conducted. Therefore, it will be the responsibility of the sixth respondent or the Deputy Superintendent of Police, Tenkasi District, to ensure that there is no untoward communal clashes on account of the Kudai Temple festival. All the worshippers and devotees shall be allowed to participate in the Temple festival under the supervision of the H.R. & C.E. Department.

14. Since the petitioner has filed O.A.No.9 of 2024 before the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Thoothukudi District, the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Thoothukudi District is *suo motu* impleaded as seventh respondent in this Writ Petition. On whose behalf, Mr.P.Subbaraj, learned Special Government Pleader takes notice.



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15. The Joint Commissioner, Hindu Religious and Charitable Endowments Department, Thoothukudi District, shall dispose O.A.No.9 of 2024 filed by the Petitioner's Federation within a period of four months from the date of receipt of a copy of this order.

16. This Writ Petition stands disposed of with the above directions.
No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/ No
Neutral Citation: Yes / No
smn2

25.04.2024

Note:- Issue order copy on 26.04.2024.

Copy to:-

The Deputy Superintendent of Police,
Tenkasi District.



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To

WEB COPY

- 1.The Principal Secretary / Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai, Tamil Nadu - 600 034.
- 2.The Additional Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai – 34.
- 3.The Superintendent of Police,
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- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thoothukudi District.



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C.SARAVANAN, J.

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