



W.P.(MD) No.9660 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.9660 of 2024

and

W.M.P.(MD) No.8746 of 2024

S.Jeyaveera Ambigavathi

... Petitioner

Vs.

The Executive Officer,
Arulmigu Kallalagar Thirukovil,
Alagarkovil,
Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondent to collect Manadakapadi Fee from the petitioner for performing Mandakapadi at Door No.149, Alagarkovil Road, Thallakulam, Madurai, in terms of Letter issued by the respondent dated 22.03.2024.

For Petitioner : Mr.R.Murali

For Respondent : Mr.S.Manohar
Standing Counsel



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ORDER

WEB COPY This case is listed today in the 'lunch motion list' at the instance of the learned counsel for the petitioner.

2. Mr.S.Manohar, learned Standing Counsel, takes notice for the respondent.

3. This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and the learned Standing Counsel for the respondent as this Writ Petition will become infructuous if it is adjourned to a future date.

4. This Writ Petition has been filed for issuance a Writ of Mandamus directing the respondent to collect Manadakapadi Fee from the petitioner for performing Mandakapadi at Door No.149, Alagarkovil Road, Thallakulam, Madurai, in terms of Letter issued by the respondent on 22.03.2024.

5. The petitioner appears to have purchased the property in Door No.149, Alagarkovil Road, Thallakulam, Madurai along with several



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other properties in a court auction. A Sale Certificate has been issued in favour of the petitioner on 31.08.2023.

6. The learned counsel for the petitioner would submit that the petitioner was earlier a tenant in the aforesaid property and subsequently purchased the same. It is further submitted that from time immemorial, the procession of Lord Kallalagar passes through the Alagarkovil Road and stops at several places including the petitioner's property at Door No. 149, Alagarkovil Road, Thallakulam, Madurai for Mandakapadi.

7. It is the case of the petitioner that though the procession of Lord Kallalagar is expected to pass through the petitioner's property at Door No.149, Alagarkovil Road, Thallakulam, Madurai, the respondent has refused to receive the fee for Mandakapadi from the petitioner stating that the receipt will be issued only in the name of Lakshminarayanan, C/o.Nagarajan whose name appears to be in the Register maintained by the respondent.

8. It is submitted that the petitioner is not claiming first privilege in the Mandakapadi. The petitioner submits that procession of Lord



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Kallalagar should not be stopped for Mandakapadi merely on the ground that the petitioner's name is not in the Register maintained by the respondent. The learned counsel for the petitioner further submits that the fee payable for Mandakapadi may be accepted from the petitioner by the respondent. In this connection, the learned counsel for the petitioner refers to the following passages from the affidavit filed in support of this Writ Petition:-

“ 7. Without prejudice it is submitted that the fee may be collected in the same name as mentioned in the Respondent Letter. All my intention is to preserve the visit of Lord Kallalagar in the premises. During the visit not only the Petitioner the entire public will have a Dharsan of deity. Prasadams are distributed to the public during Lord Kallalagar Visit.”

The above undertakings of the petitioner stands recorded.

9. The learned Standing Counsel for the respondent would submit that though the property was purchased by the petitioner as early as 31.08.2023, the petitioner has not taken any steps for name transfer for Mandakapadi. It is submitted that the respondent faces several litigation in respect of claiming for Mandagapadi by rival parties. Therefore, the respondent Temple is forced to defend the same before different forum. It



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is therefore submitted that there is no merits in the present Writ Petition

and this Writ Petition is therefore liable to be dismissed.

10. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

11. The procession of Lord Kallalagar is expected to pass through Alagarkovil Road, Thallakulam, Madurai on 22.04.2024. There is no dispute that the Mandakapadi was being conducted in the petitioner's property at Door No.149, Alagarkovil Road, Thallakulam, Madurai and fee for Mandakapadi was collected from the previous owners of the said property namely, Mr.P.Nagarajan.

12. The petitioner has purchased the property in the court auction and a sale certificate has also been issued in favour of the petitioner on 31.08.2023. This is the first year after the petitioner purchased the said property. Mandagapadi at the above said address would attract the crowd from neighbours to offer their prayer to the deity of Lord Kallalagar.



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13. Considering the fact that the petitioner has become the owner of the property, there shall be a positive direction to the respondent to accept the contribution/fee for Mandakapadi for the Lord Kallalagar's procession on 22.04.2024 from the petitioner. The petitioner is directed to give an application before the respondent for transferring the name for Mandakapadi for the ensuing years and for regularizing the same.

14. As far as the Mandakapadi for this year is concerned i.e., on 22.04.2024, receipt may be issued in the name of the previous owner Lakshminarayan by collecting the fee from the petitioner.

15. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

17.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Issue Order Copy on 17.04.2024.



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The Executive Officer,
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C.SARAVANAN, J.

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