



W.P.(MD) No.9729 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

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M/s.Lala Sri Renga Chathiram Charitable Trust,
Rep. by its Life and Managing Trustee,
Tmt.S.Bathravathi Ammal,
2, Yannaikal Street,
Madurai – 625 001.

... Petitioner

Vs.

1.The Joint Commissioner/Executive Officer,
Arulmigu Kallalagar Thirukoil,
Alagarkoil, Melur Taluk,
Madurai District.

2.The Assistant Commissioner/
Executive Officer,
Arulmigu Koodal Azhagar Temple,
Koodal Azagar Perumal Koil Street,
Near Periyar Bus Stand, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing respondents to permit the petitioner trust to perform the Mandagapadi in the Vaigai River by installing the Pandal to meeting Arulmigu Kallalagar and Arulmigu Veeraraghava Perumal by step into the Vaigai River on 23.04.2024 based on the representation dated 19.03.2024.



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For Petitioner : Mr.Athimoolapandian
for Mr.K.S.Muthu

For Respondents : Mr.S.Manohar
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents to permit the petitioner trust to perform the Mandagapadi in the Vaigai River by installing the Pandal during the procession of Arulmigu Kallalagar and Arulmigu Veeraraghava Perumal on 23.04.2024, based on the petitioner's representation dated 19.03.2024.

2. It is submitted that the petitioner trust has obtained a right which is recognized as per the Scheme Decree dated 03.11.1919 in O.S.No.4 of 1915 on the file of the District Court, Madurai. In this connection, a reference is made to Clause 15 of First Schedule (Charities) to the Scheme Decree dated 03.11.1919 which reads as under:

15. Mandagapadi on Rs.70 annually during the full moon in Chitrai to Sundararajaperumal in Alagar Temple.



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3. It appears that the petitioner is entitled to put up two Mandagapadi, one in Yanaigal inside the town and another one on the bank of Vaigai River which is a practice all along from 1919 pursuant to the Scheme Decree dated 03.11.1919 in O.S.No.4 of 1915 on the file of the District Court, Madurai.

4. The learned counsel for the petitioner would submit that even during the preceding festival in 2023, the respondents had given permission and issued receipt. However, this year, the respondents have declined to consider the petitioner's request. It is submitted that rights vested with the petitioner for performing Mandagapadi on the bank of Vaigai River as per the Scheme Decree dated 03.11.1919 in O.S.No.4 of 1915 on the file of the District Court, Madurai cannot be denied by the respondents.

5. The learned Standing Counsel for the respondents would submit that the second respondent has given a request to the petitioner as per the Scheme Decree dated 03.11.1919 in O.S.No.4 of 1915 on the file of the District Court, Madurai to put up the Pandal in the name of the Temple on the bank of the Vaigai River. It is submitted the second respondent has



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recieved instructions from the District Collector and therefore, this year, the permission has not been granted to the petitioner to put up the Pandhal for Mandagapadi.

6. On a query to the learned counsel for the petitioner as to how many members of the petitioner trust are likely to be present if the order is passed to allow the petitioner to put up the Pandhal for Mandagapadi. The learned counsel for the petitioner submits that no more than 20 members of the petitioner trust will be available at the Pandhal if the petitioner is permitted to put up the Pandhal pursuant to the order of this Court and in accordance with the Scheme Decree dated 03.11.1919 in O.S.No.4 of 1915 on the file of the District Court, Madurai and as per the practice that has been vogue since 1919.

7. On a query to the learned Standing Counsel for the respondents as to what are the compelling reasons for not giving permission to the petitioner to put up the Pandhal for the Temple as has been followed since 1919. It is informed that the area is fully cordoned off to ensure that there is no impediment for the procession to move and therefore, with a view for safety of the devotees, no permission has been granted this year.



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WEB COPY 8. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

9. In my view, the rights that have been recognized pursuant to the Scheme Decree dated 03.11.1919 in O.S.No.4 of 1915 on the file of the District Court, Madurai which was followed during the consecutive Tamil Month of Chithirai cannot be deviated based on the instructions from the District Collector.

10. Considering the above, the respondents are directed to issue necessary permission to the petitioner to put up the Pandhal for the Mandagapadi, so that, the procession of Lord Kallalagar will stop at the Pandhal to be put up by the petitioner as was the practice since 1919.

11. The respondents are directed to not to interfere with the established customs and practice. The respondents shall receive the necessary charges from the petitioner immediately for putting up the Pandhal for Mandagapadi.



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12. The respondents are directed to receive the charges from the petitioner and make suitable arrangements before the end of the day.

13. Accordingly, this Writ Petition stands allowed with the above observations. No costs.

18.04.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

Issue order copy on 18.04.2024

Copy To:

1.The Joint Commissioner/Executive Officer,
Arulmigu Kallalagar Thirukoil,
Alagarkoil, Melur Taluk,
Madurai District.

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C.SARAVANAN, J.

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