



W.A(MD)No.906 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.906 of 2024
in
WP(MD) No.24790 of 2023
and
C.M.P(MD)No.6723 of 2024**

Muthukaruppan,

... 1st Respondent/Petitioner

Vs

1. V.Sivan,
2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
3. The Joint Commissioner,,
Hindu Religious and Charitable Endowment Department,
Madurai.
4. The Executive Officer,,
Arulmighu Mahadevasamy Thirukovil,
Rajamill Road,
Madurai.



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5. P. Ariyanayagam,

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6. R. Chinnadurai Alias Veerapathiran

... Respondents 2 to 6/
Respondents 1 to 5

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to prefer this Memorandum of Writ Appeal against the order passed by his Lordship Mr. Justice B.PUGALENDHI in W.P.(MD). No. 24790 of 2023 dated 19.03.2024.

Prayer in WP(MD). 24790/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, thereby directing the respondents to conduct appropriate enquiry as required under law upon the representation of the petitioner dated 16.05.2022 for appointment of Trustees and festival committee from the members of Vellalar Community belonging to Thiruvallavayanallur, Virattipaththu and Chithalangudi Villages for the purpose of conducting Kumbabishegam festival of Arulmigu Madadevasamy at Temple, Rajamill Road, Madurai within a time frame to be fixed by this Honble Court

For Appellants	: Mr.R.G.Shankarganesh,
For R1 & R5	: No Appearance
For R2 & R3	: Mr.P.Subbaraj Special Government Pleader
For R4	: Mr.S.Manohar
For R6	: Mr.K.S.Kathiravan

JUDGMENT

[Judgment of the Court was made by R.SURESH KUMAR, J.)

How to conduct the Kumbabishekam in the temple, namely, Arulmigu Mahadevasamy Temple, Rajamill Road, Madurai, a scheme was framed in the year 1970 in (*) '**O.A.No.30 of 1970 by the Deputy Commissioner (Judicial) Hindu Religious and Charitable Endowments (Administration) Department**'. As per the scheme, the temple has to be administered by people belonging to Vellalar

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Community of three villages, namely, Thiruvalavayanallur, Virattipathu and Chithalamgudi of Madurai District.

2.The last Kumbabhishekam was performed only in the year 2000. Therefore, it has become due in the year 2012. Since in 2012, the Kumbabhishekam could not be performed as there has been a dispute among the three villagers, who have to administer the temple as per the scheme framed by the Court, it has become necessitated for the Hindu Religious and Charitable Endowments Department to appoint an Executive Officer.

3.Therefore, now the temple is under the direct control of the Hindu Religious and Charitable Endowments Department, through the Executive Officer.

4.The Executive Officer, after having been appointed so, has taken efforts to consolidate the people to get donations and to perform the Palalaiyam, the renovation work of the temple and to perform the Kumbabhishekam.

5.When that move was made, the people had approached this Court by filing a writ petition in W.P.(MD)No.24790 of 2023, where, it was prayed to appoint trustees and festival committee from the Vellalar Community belonging to three villages for the purpose of conducting Kumbabhishekam to the temple.

6.The learned Judge, who heard the Writ Petition, ascertained the views of the people from three villages through the private persons including the writ petitioner



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and the respondents, who had been subsequently impleaded in the Writ Petition.

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The Writ Petitioner/V.Sivan belongs to Virattipathu Village, the fourth respondent in the Writ Petition/P.Ariyanayagam belongs to Thiruvalavayanallur Village, the fifth respondent in the Writ Petition /R.Chinnadurai @ Veerapathiran is from Thiruvalavayanallur and the sixth respondent/Muthukaruppan, is the present Appellant. The learned Judge, who passed the order in disposing the said Writ Petition through the impugned order, dated 19.03.2024, had given a direction to form a Committee for performing Kumbabhishekam headed by the Executive Officer, where those who have donated not less than Rs.2,00,000/- can become a member. That kind of direction since has been given by the learned Judge of the Writ Court, it discriminates the people of the three villages, based on the money being donated.

7. Therefore, Mr.R.G.Shankar Ganesh, learned Counsel appearing for the Appellant would submit that instead of fixing the money as criteria to become a member of the Committee for Kumbabhishekam, each of the village would sponsor one or two members of the village to represent the Committee which almost replica of the scheme framed by the Court in the year 1970, whereby, Thiruvalavayanallur will have one representation and the other two villages namely, Virattipathu and chithalangudi will have two representations each, totally, five representations.



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Therefore, in that ratio, if the Committee presently will be going to be formed for the purpose of conducting Kumbabhishekam and also if it is formed, that will serve the purpose by giving equal representation to all the three villages. Therefore, not on the basis of the money being donated by the villagers, but based on the representation as per the framed scheme in the year 1970, if the Committee for performing Kumbabhishekam is formed, that will greatly benefit to all the three villages and also the justice would be rendered, he contended.

8.The learned Counsel appearing for the sixth respondent, who belongs to Thiruvallavayanallur village would submit that insofar as the said village is concerned, six persons have already donated Rs.2,00,000/- each, totally, a sum of Rs. 12,00,000/-. Therefore, all the six persons belonging to that village, would be entitled to include in the Kumbabhishekam Committee.

9.In this context, Mr.P.Subbaraj, learned Special Government Pleader, appearing for the second and third respondents would submit on instructions that, six persons belonging to Thiruvallavayanallur already donated a sum of Rs. 2,00,000/- (each). Except these persons, no one has donated either from Virattipathu or from Chithalangudi Village.

10.Originally, Palalaiyam was fixed to be performed in the month of June, 2024. However, as per the present schedule, it is stated that it is to be conducted on



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12.07.2024. Thereafter, the temple renovation work would be undertaken and consequently, Kumbabhishekam would be performed in an auspicious day.

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11.As far as the village called Chithalangudi is concerned, there has been no representation and as there has been no individual arrayed as a party either in the Writ Petition or in the Writ Appeal, that village is not represented before this Court or before the Writ Court.

12.We have heard the submissions made by the respective Counsels appearing for the parties and have perused the materials placed by this Court.

13.The learned Judge, in the order impugned have taken note of the input that has been supplied by the parties, who have appeared before him as to how much contribution they can make towards the performance of the Kumbabhishekam, so that, the real interest of each group or each village people can be gathered.

14.Accordingly, the writ petitioner/first respondent herein is concerned, he had filed an affidavit to meet out the expenses for the renovation and maintenance of the Mulasthanam, Kopuram and the fifth respondent/R.Chinnadurai @ Veerapathiran has filed an affidavit to carry out the renovation of Veerapathira Swamy Gopura Kalasam, Meenakshiamman Gopuram and the iron gate and he undertook to bear the expenses to the extent of Rs.2,00,000/-. Like that, the Appellant/Muthukaruppan, has also filed an affidavit before the Writ Court that he



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undertakes to bear the expenses of Rs.2,00,000/- for the renovation of the temple.

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Only after taking note of the affidavits filed by the respective parties, the learned Judge has passed the order giving a set of directions, under which, the learned Judge has directed the Executive Officer to form a Committee, where the Executive Officer will be the Chairman of the Committee for performing the Kumbabhishekam. In that Committee, those who have donated not less than a sum of Rs.2,00,000/-, would be added as a member and whoever donates such amount of Rs.2,00,000/-, can become a member of the Kumbabhishekam Committee.

15.The learned Judge also made it clear that the Kumbabhishekam Committee has been formed or constituted only for the purpose of performing the Kumbabhishekam and not beyond that. After the kumbabhishekam is performed, with regard to the regular maintenance of the temple, the Committee so constituted will have no role to play.

16.Only this order since has been questioned, we have gone through the import of the order passed by the learned Judge as well as the submissions, which we have heard from the learned Counsels also having been taken not of. After having been taken note of these aspects, we also asked the learned Counsel, who represents the Viratipathu village and others. They said, atleast a sum of Rs. 6,00,000/- they will donate on behalf of Viratipathu Village. The said submission is



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taken on record. Insofar as Thiruvallavayanallur Village is concerned, already it has been recorded that six persons have paid a sum of Rs.2,00,000/- (each) and this position is acknowledged by the Executive Officer of the temple as stated by the learned Standing Counsel.

17.However, insofar as Chithalangudi Village is concerned, since there has been no representation, no one represents before this Court.

18.As Chithalangudi is one of the villages even as per the scheme framed in the year 1970 and the people belonging to the particular community in the Chithalangudi Village also must participate in the Kumbabhishekam function, we feel that atleast one representative whether he pays a sum of rs.2,00,000/- on behalf of the Chithalangudi Village or not, must be taken from Chithalangudi and in this regard, the unanimous choice of any person from Chithalangudi Village can be taken as the member of the Kumbabhishekam Committee.

19.Apart from that one member from Chithalangudi, six persons who donated Rs.2,00,000/- (each) from Thiruvallavayanallur shall be added as members of the Committee. Insofar as Virattipathu Village is concerned, as it has been assured by the learned Counsel appearing for the Appellant that on their behalf or on behalf of the Virattipathu Village, they will donate a sum of Rs.6,00,000/-. Therefore, atleast, three persons from that village or the three donors of that village be added as



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members of the Committee.

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20.That apart, if any, new person comes forward from any of the three villages donating not less than a sum of Rs.2,00,000/- those persons can also be added as members of the Kumbabhishekam Committee.

21.By constituting this Kumbabhishekam Committee as directed by the learned Judge of the writ Court, the Kumbabhishekam work can be started by performing Palalaiyam on **12.07.2024** as fixed already.

22.It is made clear that except this modified arrangement, the other directions given by the learned Judge in the order impugned shall remain unchanged.

23.With these directions and modification, this Writ Appeal is disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

(*)Corrected as per the order of the court dated 03/07/2024

Sd/-

Assistant Registrar (CS III)

// True Copy //

11/07/2024

Sub Assistant Registrar(CS)



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LR

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To

(*)To be substituted the order which already despatched on 02/07/2024

1. The Commissioner,
Hindu Religious and Charitable Endowment Department, Chennai.

2. The Joint Commissioner,,
Hindu Religious and Charitable Endowment Department, Madurai.

3. The Executive Officer,,
Arulmighu Mahadevasamy Thirukovil,
Rajamill Road, Madurai.

+1 CC to M/s.S.MANOHAR, Advocate (SR-28456[F] dated 19/06/2024)

+1 CC to M/s.SPL.GP (SR.No.32816)

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DATED : 18.06.2024

MGJ(01.07.2024) 10P 6C

MGJ(11.07.2024) 10P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023