



W.P.(MD) Nos.14789 & 14947 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) Nos.14789 & 14947 of 2024

Balakrishnan

... Petitioner in
W.P.(MD) No.14789/2024
& R5 in
W.P.(MD) No.14947/2024

M.Sokkanathan

... Petitioner in
W.P.(MD) No.14947/2024
& R5 in
W.P.(MD) No.14789/2024

Vs.

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

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

3.The Diwan cum Administrative Officer,
Ramanathapuram Samasthanam
and Devasthanam,
Ramanathapuram.

4.R.Chandrasekaran

... R1 to R4 in both W.Ps.



W.P.(MD) Nos.14789 & 14947 of 2024

Prayer in W.P.(MD) No.14789 of 2024: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the first and second respondents to direct the third respondent Devasthanam to conduct the 2nd day Mandagapadi in the Kasi Chettiar Charitable Trust Place (Kalmandapam) where the necessary poojas of the 2nd day Mandagapadi be performed by the third respondent Devasthanam in the presence of the petitioner and after performing the Poojas, the third respondent can bring back the Deity to the temple.

Prayer in W.P.(MD) No.14947 of 2024: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the third respondent Devasthanam to conduct the 2nd day Mandagapadi in the Kasi Chettiar Charitable Trust Place (Kalmandapam), where the necessary Poojas of the 2nd day Mandagapadi to be performed by the third respondent Devasthanam in the presence of the petitioner as well as the fourth and fifth respondents and after performing the poojas, the third respondent can bring back the Deity to the temple in the light of the order passed in W.P.(MD) No.15175 of 2019 dated 04.07.2019.

For Petitioner in
W.P.(MD) No.14789/2024 &
R5 in W.P.(MD) No.14947/2024 : Mr.B.Mahendrarajan

For Petitioner in
W.P.(MD) No.14947/2024 &
R5 in W.P.(MD) No.14789/2024 : Mr.G.Arun

For R1 & R2 in both W.Ps. : Mr.P.T.Thiraviam
Government Advocate



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For R3 in both W.Ps.

: Mr.S.Sivaprakash

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COMMON ORDER

By this common order, both these Writ Petitions are being disposed of.

2. These two Writ Petitions have been filed for the following reliefs:-

Sl. No	W.P. (MD) No	Petitioner's Name	Prayer
1	14789/24	Balakrishnan	For issuance of a Writ of Mandamus directing the first and second respondents to direct the third respondent Devasthanam to conduct the 2 nd day Mandagapadi in the Kasi Chettiar Charitable Trust Place (Kalmandapam) where the necessary poojas of the 2 nd day Mandagapadi be performed by the third respondent Devasthanam in the presence of the petitioner and after performing the Poojas, the third respondent can bring back the Deity to the temple.
2	14947/24	Sokkanathan	For issuance of a Writ of Mandamus directing the third respondent Devasthanam to conduct the 2 nd day Mandagapadi in the Kasi Chettiar Charitable Trust Place (Kalmandapam), where the necessary Poojas of the 2 nd day Mandagapadi to be performed by the third respondent Devasthanam in the presence of the petitioner as well as the fourth and fifth respondents and after performing the poojas, the third respondent can bring back the Deity to the temple in the light of the order passed in W.P.(MD) No.15175 of 2019 dated 04.07.2019.



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WEB COPY 3. The petitioner in W.P.(MD) No.14789 of 2024 namely, Balakrishnan is the great-great-grandson of one Kasi Chettiar through his son Chockandi and grandson Ganapathy Chettiar. He is the son of Vijaya, the adopted daughter of Ganapathy Chettiar.

4. The petitioner in W.P.(MD) No.14947 of 2024 namely, Sokkanathan as also the Chandrasekaran, the fourth respondent in respective W.Ps. are also the great-great-grandsons of Kasi Chettiar through the son of Chokandi and the grandson Subramanian.

5. The said Subramanian reportedly had two wives, through whom he had sired Ramasamy, Muthuramalingam & Kasilingam. Ramasamy is the son through the first wife. Muthuramalingam and Kasilingam are the sons through the second wife. The fourth respondent is the grandson of Subramanian, through the first wife. He is the son of Ramasamy. The petitioner in W.P.(MD) No.14947 of 2024/5th respondent in W.P.(MD) No.14789 of 2024, is the grandson of Subramanian, through the second wife. He is the son of Muthuramalingam. The third son of Subramanian namely, Kasilingam has reportedly no issues.



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6. It appears that there are subsisting disputes between the petitioner in W.P.(MD) No.14947 of 2024 and the fourth respondent in the respective W.Ps. i.e., Sokkanathan and Chandrasekaran, the grandsons of Subramanian. Earlier, W.P.(MD) No.15175 of 2019 was filed by the fourth respondent herein against the said Sokkanathan, the petitioner in W.P.(MD) No.14947 of 2024. By an order dated 04.07.2019, this Court had disposed of the said Writ Petition with the following observations:-

"9. For the said arrangement, since both the petitioner as well as the fourth respondent agreed and also the third respondent has agreed through his counsel and in that view of the amicable solution for the present crisis, this Court, by recording those amicable settlement, is inclined to dispose of this writ petition with the following directions:-

“(1) The second day Mandagapadi of Sri Kothandaramaswami Temple at Ramanathapuram scheduled to be conducted, i.e., on 05.07.2019 shall be performed by the third respondent Devasthanam, as they decided in the impugned order, however, instead of conducting the second day Mandagapadi in the temple itself, let the Deity be taken as a procession to the Kasi Chettiar Charitable Trust Place (Kal Mandapam), where the necessary poojas of second day Mandagapadi be performed by the third respondent Devasthanam in presence of both the petitioner as well as the



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fourth respondent and after performing the poojas, the third respondent Devasthanam can bring back the Deity to the Temple, as per the usual procedure;

(2) Neither the petitioner nor the fourth respondent can claim any special privilege during the performance of the Mandagapadi as indicated above;

(3) Since some apprehension has been raised by the learned counsel for the third respondent Devasthanam that, despite this order, if any untoward is taken place, it will create law and order problem and in order to tackle the same, minimum police force atleast is necessary in the spot, therefore, he seeks suitable orders to be passed by this Court;

(4) Considering the same, a direction is given to the Inspector of Police, Bazaar Police Station, Ramanathapuram to give adequate Police protection for performing the second day Mandagapadi as indicated above;

(5) It is also made clear that, if the police people find any violation of any party against this order, it is open to the police force to take action in accordance with law against the erring persons.

(6) The impugned order is modified or partly set aside to the term indicated above."

7. The petitioner in W.P.(MD) No.14947 of 2024 had filed W.P. (MD) No.13670 of 2022 for issuance of Writ of Mandamus directing the



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third respondent Devasthanam to conduct the second day Mandagapadi in Kasi Chettiar Charitable Trust Place (Kalmandapam), where the necessary Poojas of the second day Mandagapadi are performed by the third respondent Devasthanam in the presence of the petitioner as well as the fourth respondent herein and after performing the Poojas, the third respondent to bring back the Deity to the Temple in the light of the order passed in W.P.(MD).No.15175 of 2019 dated 04.07.2019.

8. By an order of this Court dated 29.06.2022 in W.P.(MD) No. 13670 of 2022, the order dated 04.07.2019 passed in W.P.(MD).No.15175 of 2019 was directed to be complied with.

9. Yet another Writ Petition in W.P.(MD) No.14661 of 2023 was filed by the same petitioner Chokkanathan, for the same relief during the year 2023. In W.P.(MD) No.14661 of 2023, the petitioner in W.P.(MD) No.14789 of 2024 was the fifth respondent. The said Writ Petition in W.P.(MD) No.14661 of 2023 was also disposed of on 21.06.2023 with the following observations:-

“ 2.When the matter was called in the morning session, the learned counsel appearing for the third respondent informed that the right to conduct



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Mandagapadi is with its condition attached, ie., the cost of the festival has to be borne by the petitioner and the respondents 4 and 5. However, none of them have made the payment. Thereupon, the learned counsel for the petitioner requests time to get instructions from his client as to whether they are willing to make the payment of Rs.50,000/-.

3. When the matter was called post lunch, it is informed before this Court that the petitioner and the respondents 4 and 5 are also willing to make the payment.

4. Therefore, this Writ Petition is disposed of with the direction to the third respondent to permit the persons to do Mandagapadi, on receipt of a sum of Rs.50,000/-. Since the third respondent's counsel is present before this Court, she has assured that the instructions would be conveyed to her client. The parties shall not await the order copy. No costs."

10. It is also noticed that Muthuramalingam, the father of the petitioner in W.P.(MD) No.14947 of 2024 filed O.A.No.8 of 2015 under Section 63(e) of the H.R. & C.E. Act, 1959 before the second respondent Joint Commissioner. It appears that an order was passed in O.A.No.8 of 2015 on 20.04.2017.

11. Aggrieved by the same, the fourth respondent in the respective Writ Petitions had preferred an appeal in A.P.No.7 of 2018 before the first



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respondent Commissioner. During pendency of the said appeal, Muthuramalingam, the father of the petitioner in W.P.(MD) No.14947 of 2024, died on 23.10.2018 and therefore, the petitioner in W.P.(MD) No. 14947 of 2024 has been brought on record. The first respondent has disposed of the appeal on 07.06.2020 by remanding back the case to the second respondent to pass fresh order. Therefore, O.A.No.8 of 2015 has been restored and is said to be pending before the second respondent Joint Commissioner.

12. Thus, it is evident that there is *inter-se* dispute between the great-great-grandsons of Kasi Chettiar through his grandson Subramani, in the earlier round of litigation. Therefore, the petitioner in W.P.(MD) No.14789 of 2024 who is also the great-great-grandson of Kasi Chettiar through his grandson Ganapathy Chettiar cannot be denied the rights in the ensuing temple festival which is to be held on 07.07.2024.

13. During the previous year, this Court has permitted to do Mandagapadi on payment of Rs.50,000/- *vide* order dated 21.06.2023 in W.P.(MD) No.14661 of 2023. Since the dispute is said to be pending before the second respondent Joint Commissioner in O.A.No.8 of 2015



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pursuant to the order of the first respondent Commissioner dated 07.06.2020 in A.P.No.7 of 2018, the rights of the petitioner in W.P.(MD) No.14789 of 2024 as also the petitioner in W.P.(MD) No.14947 of 2024 and the fourth respondent in the respective W.Ps. cannot be ignored or given preference over one another.

14. Therefore, there shall be a direction to the third respondent to give equal rights to all the three great-great-grandsons of Kasi Chettiar namely, the petitioner in W.P.(MD) No.14789 of 2024, the petitioner in W.P.(MD) No.14947 of 2024 and the fourth respondent in the respective W.Ps. subject to each of them paying Rs.50,000/- to the third respondent for the 2nd day Mandagapadi proposed to be held on 07.07.2024.

15. The third respondent shall ensure that all three persons and their family members are given privilege.

16. Accordingly, these Writ Petitions are disposed of. No costs.

04.07.2024

Index: Yes/ No



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

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Copy To:

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.



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C.SARAVANAN, J.

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