



W.A.(MD).No.1191 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.1191 of 2024
and
C.M.P.(MD)Nos.9163 and 9166 of 2024**

1.Kasinadhan

2.Tamilarasan

3.Swaminadhan

... Appellants

-VS-

1.Meyyappan

2.The District Collector,
District Collector Office,
Pudukkottai District.

3.The Superintendent of Police,
Superintendent of Police Office,
Pudukkottai District.

4.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

5.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.



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6.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

7.Senapathi

8.Somaiya

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.14318 of 2024, dated 05.07.2024.

For Appellants : Mr.B.Saravanan, Senior Counsel
For Mr.A.Aruljenifer

For 1st Respondent : Mr.Prabhu Rajadurai
For Mr.A.Banumathy

For Respondents 2, 4 & 5 : Mr.P.Thilak Kumar
Government Pleader

For Respondents 3 & 6 : Mr.B.Thanga Aravindh
Government Advocate (Crl.)

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The appellants are aggrieved by the order by the learned Single Judge in and by which, the learned Single Judge invoked the principle of Constitutional morality and conferred a right on a particular community people to perform Mandagapadi on any one of days during the festival of the temple.



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2.No doubt, untouchability in any form has to be frowned upon but at the same time, the Constitutional Courts, which do not have the advantage of entering upon the factual domain, cannot impinge upon the jurisdiction vested in other statutory authorities and issue directions invoking principles of Constitutional morality, which would run counter to the established practice or custom.

3.In the case on hand, the right is claimed to perform Mandagapadi in a temple. The Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, provides a complete machinery to decide upon such rights. Section 63 of the Act, vests the power in the Officers nominated to decide the disputes. Section 63(e) of the Act empowers the Joint Commissioner or Deputy Commissioner to decide whether any person is entitled to, by custom or **otherwise**, to any honour, emolument or perquisite in any religious institution as well as established usage of the religious institution in regard to any other matter.

4.Mr.Prabhu Rajadurai, learned counsel appearing for the first respondent would however contend that this temple is fairly a new temple. Therefore, there is no established usage. It is open to the authorities to frame a Scheme for administration of the temple and also provide for the manner in which, the festivals ought to be conducted. The invocation of principles of Constitutional morality in our considered opinion, in fact,



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impinges upon the exclusive jurisdiction that is vested in the authorities constituted under a Statue. If there is no provision for redressing the grievances of the petitioners in the Writ Petition, we would not have the slightest hesitation to entertain the Writ Petition, particularly in the factual background, that is projected. However, we find that there is a machinery, which is an effective alternative remedy where facts can be tested is available and hence, we do not think that the Writ Court was justified in exercising the powers under Article 226.

5.We are informed that the interim order passed by the Hon'ble Division Bench, dated 18.07.2024, has been complied with and hence, the controversy for this year has been settled. In order to prevent recurrence of such practices, we would only request the authorities to decide any claim before them before the festival season for the next year i.e., during the month of June – July of 2025. The order of the learned Single Judge is therefore, set aside with liberty to the petitioners before the learned Single Judge, to move the authorities under the Tamil Nadu Hindu Religious and Endowments Act, 1959, seeking a right to perform Mandagapadi on any day during the next year and the authorities will decide the same well in advance to avoid recurrence of similar situation during the next year's festival.



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6.The Writ Appeal is disposed of with the above observation. No

Costs. Consequently, connected miscellaneous petitions are closed.

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[R.S.M., J.]

[L.V.G., J.]

21.08.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes

Mrn/Sml

To

1.The District Collector,
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2.The Superintendent of Police,
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Pudukkottai District.

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