



W.P.(MD) No.17553 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17553 of 2024

Narayana Moorthy

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
S.M.Road, Near Temple Tower Hotel,
Thanjavur.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukottai.

3.The Executive Officer,
Hindu Religious and Charitable Endowments Department,
Pudukottai Thirukovilkal (Near Parkathambal Thirukovil),
Thirukokarnam,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondent to appoint a Poosari by adhering the orders of this Court by protecting the customary and heritage rights to all the services of Sree.Maavayal Kattu Ayyanar District within time frame



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fixed by this Court on the basis of petitioner's representation dated 26.12.2023 and 22.07.2024.

For petitioner : Mr.K.P.Narayanakumar

For respondents : Mr.P.T.Thiraviam
Government Advocate for R1 & R2
Mr.G.Mathavan for R3
Mr.Babu Rajendran for Village President

ORDER

Heard learned counsel for the petitioner, learned Government Advocate for the respondents 1 and 2, learned counsel for the third respondent and learned counsel for the Village President.

2. This Writ Petition has been filed by the petitioner for a mandamus to direct the respondents to appoint a Poosari by adhering the orders of this Court by protecting the customary and heritage rights to all the services of Sree.Maavayal Kattu Ayyanar District within time frame fixed by this Court on the basis of petitioner's representation dated 26.12.2023 and 22.07.2024.

3. It is noticed that there are atleast 18 Writ Petitions that have been filed surrounding the Temple festival in the aforesaid Temple and the appointment of



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Poosaries by the members belonging to the petitioner's group claiming this is to be erstwhile Mirasudhar of the Temple.

4. The last of the orders was recently passed by this Court on 14.06.2024 in W.P.(MD)No.12295 of 2024 filed by one Karuppaiah, who was temporarily appointed as a Poosari for a period of 10 days during Temple festival, *vide* an earlier order dated 18.07.2023 in W.P.(MD)Nos.16699 and 17297 of 2023. Though the said Karuppaiah was appointed as the temporary Poosari pursuant to the aforesaid order dated 18.07.2023 in W.P.(MD)Nos.16699 and 17297 of 2023, he wanted to continue and therefore, he had challenged the resolution No.70 dated 02.08.2023 passed by the Joint Commissioner and the order of the fourth respondent herein/Temple in his proceedings dated 04.10.2023 bearing reference in Na.Ka.No.506/2014/Jo and the subsequent recommendation of the Joint Commissioner in his proceedings dated 26.12.2023 bearing reference in Na.Ka.No.14801/2023/A2 and to quash the same as illegal and to direct the Joint Commissioner to appoint the said Karuppaiah as the Poosari in the aforesaid Temple.



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5. After detailed consideration, this Court, had dismissed the Writ Petition in W.P.(MD)NO.12295 of 2024, had rejected the prayer of the petitioner therein, namely Karuppaiah, Poosari and directed the Official respondents/respondents 1 to 3 therein to take steps to ensure with any person may be appointed without any blemish and the exercise has to be completed within a period of two weeks.

6. In consequence, the petitioner, who claims to be a descendant of the earlier Mirasudhar, has sent two representations recommending the appointment of one Balakumar.

7. The attempt of the learned counsel for the petitioner is resisted by the learned counsel for the third respondent, who submits that pursuant to the order dated 14.06.2024 in W.P.(MD)No.12295 of 2024, applications were called for and eight applications have been received so far and the enquiry is being conducted by the Assistant Commissioner/third respondent.

8. The learned Government Advocate for the respondents 1 and 2 also confirms the same and that today also enquiry is being conducted and therefore,



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suitable person will be appointed by the Assistant Commissioner/second respondent based on the recommendations during the enquiry.

9. Mr.Babu Rajendran, the learned counsel intervenes and submits that he represents one Nallaiya, the President of the Keelathaniyam Village. The learned counsel submits that the the petitioner's representation itself is without any merits. The learned counsel submits that the last mentioned representation dated 22.07.2024, though addressed to the official respondents/respondents 1 and 2 by the petitioner, has been posted by one Chinnadurai as is evident from the postal receipts issued by the Postal Department. It is submitted that the said Chinnadurai was originally the Poosari, appointed, was suspended.

11. It is submitted that after the suspension of the said Chinnadurai was revoked, one P.Durai Raja had indirectly challenged the revocation of suspension by way of Writ Petition in W.P.(MD)No.14369 of 2022 with a prayer for a Mandamus to consider the representation of the said P.Durai Raja dated 31.05.2022.



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12. It is submitted that in that Writ Petition, certain directions were given to the Joint Commissioner, TNHR&CE Department/second respondent therein to conduct an enquiry and to give an opportunity to the said K.Chinnadurai to refute the allegations made against him.

13. The learned counsel for the third respondent produced few disturbing photographs, which were apparently are within the Temple premises to discredit the name of the said K.Balakrishnan. I, however, do not wish to take the same on record. The scope of enquiry is not concerning the alleged misconduct of the said person even if such a person was found sleeping in an inebriated condition in the Temple. The photographs are, therefore, returned to the learned counsel.

14. Since exercise are being carried out pursuant to the directions of this Court dated 14.06.2024 in W.P.(MD)No.12295 of 2024, the official respondents/respondents 1 and 2 are directed to process the applications received from the eight persons, who responded to the advertisement calling for the applications pursuant to the directions of this Court 14.06.2024 in W.P.(MD)No. 12295 of 2024.



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15. Since the Temple Festival scheduled to be held on 09.08.2024, the official respondents/respondents 1 and 2 are directed to ensure that a suitable Poosari is appointed so that the Temple festival is conducted in an orderly and timely manner without any disturbances from any corner.

16. If required, the official respondents/respondents 1 and 2 may request the Superintendent of Police to depute adequate number of Police personnel to ensure that the Temple festival witnesses no communal disharmony and disturbances and to ensure that the festival is conducted in an orderly manner.

This Writ Petition is dismissed with above observations. No costs.

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Internet : Yes / No

apd

To

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S.M.Road, Near Temple Tower Hotel,
Thanjavur.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
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C.SARAVANAN, J.

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