



WP(MD). No.20555 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 30/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.20555 of 2024

Murugaiah Nadar

... Petitioner

Vs

1. The District Collector,
Pudukkottai District,
Pudukkottai..
2. The Superintendent of Police,
Pudukkottai District,
Pudukkottai..
3. The Revenue Divisional Offic,
Er, Aranthangi,
Pudukkottai District..
4. The Tahsildar,
Manalmelkudi Taluk,
Pudukkottai
District..
5. The Sub Inspector of Police,
Jegathapattinam Police Station,
Pudukkottai District..



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6. The Village Administrative Officer,
Vettivayal Revenue Village,
Manalmelkudi Taluk,
Pudukkottai District..

7. Aiyappan,

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent 1 to 6, to permit Hindu Nadar Community people to conduct every day Mandagapadi perform in Muneeswarar Kovil, Muthumariamman Kovil and Irunavidi Kaliamman alias Kaliamman Kovil during festival of above temples situated at Kurunthangudi Village, Manalmelkudi Taluk, Pudukkottai District in the light of petitioner's representation dated 22.08.2024.

For Petitioner : Mr.N.Vijayalakshmi,
For Respondent : Mr.D.Gandhiraj for R1, R3, R4 and R6
Special Government Pleader
Mr.M.Vaikkam Karunanidhi for R2 & R5

ORDER

The writ petition has been filed for a mandamus directing the respondents 1 to 6 to permit Hindu Nadar Community people to conduct every day Mandagapadi perform in Muneeswarar Kovil, Muthumariamman Kovil and Irunavidi Kaliamman alias Kaliamman Kovil during festival of above temples situated at Kurunthangudi



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Village, Manalmelkudi Taluk, Pudukkottai District in the light of petitioner's representation dated 22.08.2024.

2. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. The facts in nutshell is that the petitioner party belong to one community and the 7th respondent party belong to other community. While so, the everyday mandagapadi to be performed in Muneeswarar Kovil, Muthumariamman Kovil and Irunavidi Kaliamman Kovil was restrained by the 7th respondent. Hence, the petitioner has given a representation. Since the same has not been considered so far, the petitioner is before this Court.

4. The right of the petitioner based on the custom and usage to do the mandagapadi cannot be gone into in a writ petition, which is to be established in a proper manner. If the temple is under the control of the Hindu Religious and Charitable Endowment Department, the commissioner can decide the issue as per Section 63 of the HR&CE Act.



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If the temple is not under the control of the HR&CE, it is for the concerned people to establish their rights by filing necessary suit before the civil Court. Without exhausting such remedy before the civil Court, in a writ petition, such rights cannot be decided. Accordingly, the writ petition is dismissed. No costs.

30.08.2024

NCC : Yes/No

Index : Yes/No

RR

TO

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Pudukkottai District,Pudukkottai..
3. The Revenue Divisional Officer,
Aranthangi,Pudukkottai District..
4. The Tahsildar,
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5. The Sub Inspector of Police,
Jegathapattinam Police Station,Pudukkottai District..
6. The Village Administrative Officer,
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4/5



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N.SATHISH KUMAR,J

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