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W.A(MD)No.22083 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

CORAM:

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

**W.P(MD)No.22083 of 2024
and
W.M.P (MD) No. 18708 of 2024**

—
Venkatesh Sowrirajan

... Petitioner

-VS-

- 1.The State of Tamil Nadu
Rep.by its Secretary,
Department of Tourism, Culture &
Religious Endowments,
Secretariat, Fort St. George,
Chennai- 600 009.
- 2.The Commissioner,
Hindu Religious & Chariatable Endowments
Department, Nungambakkam,
Chennai- 600 034.
- 3.The Joint Commissioner,
Hindu Religious & Charitable Endowments
Department,
Thiruvanaikaval,
Trichy- 620 001.
- 4.The Executive Officer,
Sri. Varadharaja Perumal Temple,
Kiliyanallur,
Trichy- 621 213.
- 5.The Board of trustees/ Fit Person,
Sri. Varadharaja Perumal Temple,
Kiliyanallur,
Trichy- 621 213.



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6.Sakthivel,

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 5th Respondent to conduct the Theerthavari Utsavam for idol of Shri Varadharaja Perumal temple at Kiliyanallur Village, Mannachanallur, Trichy on account of 4th day of Pavitrotsavam on 20.09.2024 by performing each and every ritual pertaining to the said ceremony with particular reference to procession of Utsavar deity to the banks of Ayyan Vaikkal and follow the same in foreseeable future as per the Agama Sashttras and established practices of the subject Temple.

For Petitioner : Mr.Arvind Srevatsa

For R-4 to R-5 : Mr.C. Guhaseela Rupan

JUDGMENT

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

It is the claim of the petitioner that the Theerthavari festival at the time of the Pavitrotsavam of the temple conducted during the Tamil month of Puratasi is done at the water source called Ayyan Vaikkal, which is about 200 meters from the temple in question. Strong reliance is placed by the counsel for the petitioner on the information furnished by the Executive Officer to the Public Information Officer, Hindu Religious and Charitable Endowments Department, Thiruvanaikaval, Trichy, in which it is stated that the deity is taken in possession



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for Theerthavari (Holy dip) during the Pavitrotsavam conducted in the Tamil month of Puratasi. However, it is seen that one Sakthivel had issued a legal notice to the Executive Officer of the temple in question claiming that there is no such practice of taking the idol to Ayyan Vaikkal for Theerthavari during the Pavitrotsavam.

2. We find that there has been exchange of several notices between the parties regarding the conduct of Theerthavari at Ayyan Vaikkal. We do not think we can determine the question conveniently in a proceeding under Article 226 of the Constitution of India. Section 63(e) of the Hindu Religious and Charitable Endowments Act, 1959, provides for a machinery to determine as to what is the establish usage and custom of a temple.

3. The said provision reads as follows:

63. **[Joint Commissioner of Deputy Commissioner] to decide certain disputes and matters;-** Subject to the right of suit or appeal hereinafter provided, [the Joint Commissioner or the Deputy Commissioner, as the case may be], shall have power to inquire into and decide the following disputes and matters;-

(a)

(b)....

(c)



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(d)

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(e) Whether any person is entitled, by custom or otherwise, to any labour, emolument or perquisite in any religious institution and **what the established usage of a religious institution in regard to any other matter;**

4. In view of the above provision, leaving it open to the petitioner to move the jurisdictional Joint Commissioner or Deputy Commissioner to decide the question as to what is the practice of the temple with reference to the performance of the Theerthavari during the Pavitrotsavam conducted in the tamil month of Puratasi, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]

13.09.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Sml



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