



WP(MD)No.24790 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP (MD) No.24790 of 2023
and
WMP (MD) No.20980 of 2023

V.Sivan ... Petitioner

Vs

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

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

3.The Executive Officer,
Arulmigu Mahadevasamy Thirukovil,
Rajamill Road,
Madurai.

4.P.Ariyanayagam

5.R.Chinnadurai @ Veerapathiran

6.Muthukaruppan ... Respondents

[R-4 was impleaded vide order dated 19.10.2023 in WMP(MD)No. 21686 of 2023, R-6 and R-5 were impleaded vide order dated 19.03.2024 vide WMP(MD)No.22846 of 2023 and WMP(MD)No.22441 of 2023 respectively]



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus thereby directing the respondents to conduct appropriate enquiry as required under law upon the representation of the petitioner dated 16.05.2022 for appointment of trustees and festival committee from the member of Vellalar Community belonging to Thiruvallavayanallur, Virattipathu and Chithalangudi villages for the purpose of conducting Kumbabishegam festival of Arulmigu Mahadevasamy at Temple, Rajamill Road, Madurai within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Muralikumar
For Respondent : Mr.R.Subba Raj,
Nos.1 and 2 Special Govt.Pleader
For Respondent : Mr.S.Manohar
No.3
For Respondent : Mr.S.Lakshmanan
No.4
For Respondent : Mr.A.N.Ramanathan
No.5
For Respondent : Mr.R.G.Shankar Ganesh
No.6

ORDER

This writ petition is filed for appointment of Trustees and Festival Committee for conducting Kumbabishekam for Arulmigu Mahadevasamy Temple, Rajamill Road, Madurai.



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2.This temple is administered by a scheme framed in the year 1970 in OS.No.30 of 1970 that this temple has to be administered by Vellalar community people from Thiruvallavayanallur, Virattipathu and Chithalangudi Villages, Madurai District. The Kumbabishekam for the temple was lastly conducted in the year 2000 and thereafter the Kumbabishekam was not conducted. The Hindu Religious and Charitable Endowments Department appointed an Executive Officer in view of the dispute among the representatives of the said three villagers. The Executive Officer has also taken initiatives to conduct Kumbabishekam and has sent a proposal for the same. While so, the villagers again have raised an issue that a particular villagers must be provided with an opportunity for renovating certain works. On this issue there is no consensus among the three villagers and therefore, this writ petition is filed for a direction to appoint Trustees and Festival Committee for the purpose of conducting Kumbabishekam for the temple.



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3.This writ petition was filed on 10.10.2023 and there are three writ miscellaneous petitions filed for impleading the representatives from other villagers that they are also necessary parties to this writ petition. The impleading petitions were also allowed by this Court.

4.The petitioners and the newly impleaded respondents have made allegations against each other and it appears that consensus cannot be arrived at among the parties.

5.The learned Counsel for the 3rd respondent Executive Officer submits that in view of the dispute among the parties, the Kumbabishekam which was scheduled to be conducted in the year 2012 has not been conducted for the past 12 years. At least this year the Executive Officer shall proceed further and Kumbabishekam shall be conducted by this year. He also submits that the Executive Officer has taken initiatives by sending proposal for getting approval from the HR and CE Department.



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6.In order to ascertain the interest of this petitioner and the newly impleaded respondents on the temple, this Court suggested them to file an affidavit of undertaking mentioning the extent of their contribution for the consecration of the temple.

7.The petitioner has filed an affidavit of undertaking to meet out the expenses for the renovation and maintenance of Moolasthana Gopuram, Nandhi Goupuram and Karuppasamy Sannidhanam situated within the premises of the temple.

8.The newly impleaded 5th respondent has filed an undertaking affidavit to carry out the renovation of Veerapathira Swamy Gopura Kalasam, which was installed by his family members, Meenakshiamman Gopuram and the iron gate.

9.The learned Counsel for the 5th respondent Ariyanayagam submits that this respondent undertakes to bear the expenses of Rs.Two lakh for renovation of the temple.



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10.The learned Counsel for the 6th respondent Muthukaruppan submits that this respondent undertakes to bear the expenses of Rs.Two lakh for renovation of the temple.

11.This Court considered the rival submissions made and perused the materials placed on record.

12.This petitioner and the newly impleaded respondents are having much interest in the welfare of the temple and also for conducting Kumbabishekam. They have also filed undertaking affidavits expressing their willingness for their contribution.

13.The 4th respondent Ariyanayagam, who represents Thiruvalavayanallur village claims that the entire expenses for renovation of the temple would be met out by their villagers, however, they are prevented by other villagers.

14.The learned Counsel for the all other parties submit that the entire issue is because of 4th



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respondent, who is creating problem and also preventing others representation in the temple. They also pointed out that this 4th respondent has filed three original applications before the Commissioner as against other villagers and he is the root-cause for the entire problem.

15.The fact remains that the consecration for this temple was lastly conducted in the year 2000. The consecration, which was planned to be conducted in the year 2012, is not yet conducted. This year the Executive Officer of the temple has sent proposal for the same and also got approval from the HR and CE Department. In order to conduct the consecration in a peaceful manner without any further delay, this Court appoints Mr.Arun Swaminathan, Advocate to co-ordinate with the Executive Officer and the Executive Officer of the Temple, as Chairman for the Kumbabishekam Committee for conducting the Kumbabishekam in a peaceful manner.



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16. Whoever is showing interest of spending more than rupees two lakh towards conducting Kumbabishekam shall be given representation in the Kumbabishekam Committee.

17. The Chairman of the Committee shall take a decision in consultation with other members taking into consideration of the interest of the temple.

18. The formation of Committee shall be concluded within a period of four weeks. The Committee shall take every step to conduct Kumbabishekam as expeditiously as possible.

19. The Chairman of the Committee shall issue vide publication in the above said three villages, who are having representations in this temple for making their contribution to the temple.

20. If anybody is creating problem, the Chairman shall get the assistance of the Police and ensure that nobody interferes with the conduct of Kumbabishekam.



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21.This Committee is constituted only for the purpose of the conducting Kumbabishekam for this temple. If the parties to the writ petitions and other villagers are having any grievance with others, they shall get it redressed only before the Joint Commissioner concerned, but not before this Kumbabishekam Committee.

22.This writ petition is disposed of in the above terms. No costs.

19.03.2024

Internet : Yes / No

DSK

To

- 1.The Commissioner,
Hindu Religious and
Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
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- 3.The Executive Officer,
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B. PUGALENDHI , J .

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19.03.2024