



W.P.(MD) Nos.31346 of 2023 and 2119 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) Nos.31346 of 2023 and 2119 of 2024

and

W.M.P.(MD)Nos.26903 and 26905 of 2023

W.P.(MD)No.31346 of 2023:-

Karuppaiah, S/o.Kulanthai

... Petitioner

Vs.

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

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Pudukkottai,
Pudukkottai District.

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

4.Raman, S/o.Chinnu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for
issuance of a Writ of Mandamus, forbearing the 2nd and 3rd respondents to



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permitting the 4th respondent to conduct Poojas at Sree Maavayal Kattu Ayyanar Temple at Keelathaniyam Village, Ponnamaravathi Taluk, Pudukkottai District, without following any due process of law consequently, to direct the third respondent to return the Temple key and enabling the petitioner to do Poojas as per the order of this Court on the basis of the petitioner's representation, dated 20.12.2023.

For Petitioner	: Mr.T.Vadivelan
For R1 & R2	: Mr.P.Subbaraj Special Government Pleader
For R3	: Mr.G.Madhavan Standing Counsel
For R4	: Mr.Babu Rajendran

W.P.(MD)No.2119 of 2024:-

Narayana Moorthy, S/o.Subbaiah

... Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department,
S.M.Road, Near Temple Tower Hotel, Thanjavur.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Department, Pudukkottai,
Pudukkottai District.
- 3.The Executive Officer,
Hindu Religious and Charitable Endowment
Department,
Pudukkottai Thirukovilkal
(Near Parkathambal Thirukovil),
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4.Raman, S/o.Chinnu

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to appoint Poojari by adhering the orders of this Court and by following the procedure of law to Sree.Maavayal Kattu Ayyanar Temple at Keelathaniyam Village, Ponnamaravathi Taluk, Pudukkottai District, within the time frame fixed by this Court, in W.P.(MD)No.17297 of 2023, order dated 18.07.2023, on the basis of petitioner's representation, dated 26.12.2023.

For Petitioner	: No Appearance
For R1 & R2	: Mr.P.Subbaraj Special Government Pleader
For R3	: Mr.G.Madhavan Standing Counsel
For R4	: Mr.Babu Rajendran

COMMON ORDER

These Writ Petitions have been filed for identical reliefs. In these Writ Petitions, the respective petitioners have prayed for a direction to consider the respective representations and to appoint a Poojari.

2. Earlier, one P.Durai Raja had filed W.P.(MD)No.16699 of 2023 for a direction to the first respondent therein to consider his representation dated 26.06.2023 and to act in accordance with law.



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3. The petitioner in W.P.(MD)No.31346 of 2023 had also filed W.P. (MD)No.17297 of 2023 seeking to quash the impugned order of the fourth respondent therein dated 16.09.2022 bearing reference in Se.Mu.Na.Ka.No.506/2014/J and consequently, direct the second respondent therein to conduct an enquiry on the complaint against one Adaikalam and to appoint any other eligible person as Poojari in the Mavayal Kattu Ayyanar Temple, Keelathaniyam Village, Poonnamaravathi Taluk, Pudukottai District, by considering the representation dated 08.07.2023.

4. Pursuant to the orders of this Court, the Temple festival was also completed on 30.07.2023. After the celebration of the Temple festival on 30.07.2023, applications are invited for the post of temporary Poojari. The fourth respondent herein was recommended by the Thakkar for being appointed as temporary Poojari. Based on the recommendation of the Fit Person, the Assistant Commissioner has also passed a resolution for appointing the fourth respondent as a temporary Poojari. Thereafter, the fourth respondent has been appointed as a temporary Poojari and now the issues are pending before the Commissioner, H.R. & C.E. Department, for approval of fourth respondent as a permanent Poojari of the Temple.



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5. The Writ Petitions are opposed by the official respondents as also the fourth respondent stating that after the Temple festival was over, on 19.12.2023 at 03.00 p.m., one Marimuthu, the Superintendent of the Temple had taken the keys from the writ petitioner in W.P.(MD)No.31346 of 2023. In response, the petitioner in W.P.(MD)No.31346 of 2023 had given a representation to the official respondents on 20.12.2023 to take action against the said Mari Muthu. However, W.P.(MD)No.31346 of 2023 has been filed for a Mandamus with a wider relief.

6. It is submitted that the said Writ Petition has become infructuous, as the fourth respondent has been appointed as a temporary Poojari on 02.11.2023 and is officiating as a Poojari. It is further submitted that the order of the third respondent appointing the fourth respondent as a temporary Poojari on 02.12.2023 has also not been challenged and without challenging the appointment, W.P.(MD)No.31346 of 2023 is not maintainable.

7. It is noticed that the petitioner in W.P.(MD)No.2119 of 2024 was the other applicant, who had responded to the Advertisement issued by the Thakkar for the post of temporary Poojari pursuant to the order passed by



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this Court on 18.07.2023 in W.P.(MD)Nos.16699 and 17279 of 2023.

The petitioner in W.P.(MD)No.2119 of 2024 was not selected and the fourth respondent was selected as a temporary Poojari. Therefore, this Writ Petition is not maintainable as the fourth respondent has been appointed as a temporary Poojari by the third respondent on 02.12.2023. Without challenging the order passed by the third respondent, appointing the fourth respondent as a temporary Poojari on 02.12.2023, question of granting Mandamus for such a wider relief cannot be countenanced.

8. Therefore, both the Writ Petitions are dismissed with liberty to the petitioners to challenge the above said order in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/ No
Neutral Citation: Yes / No
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26.04.2024

To

1.The Joint Commissioner,
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S.M.Road, Near Temple Tower Hotel, Thanjavur.



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C.SARAVANAN, J.

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