



W.P.No.8779 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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PORUR PANGUNI UTHIRAPALKAVADIVEL POOJA SABHA,
PORUR, CHENNAI- 116,
REP. BY ITS PRESIDENT MR.S. DAMODARAN,
NO.20, WIRELESS STATION ROAD,
PORUR, CHENNAI- 600 116.

... Petitioner

Vs

1. THE PRINCIPAL SECRETARY,
DEPARTMENT OF TOURISM,
CULTURE AND RELIGIOUS ENDOWMENTS,
GOVT OF TAMIL NADU,
SECRETARIAT, CHENNAI-600 009.
2. THE COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS DEPARTMENT,
NO.119, UTHAMAR GANDHI SALAI,
NUNGAMBAKKAM, CHENAI- 34.
3. THE JOINT COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS DEPARTMENT,
NO.130, MUTT ROAD, MYLAPORE CHENNAI-600 004.
4. THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS DEPARTMENT,
NO.119, UTHAMAR GANDHI SALAI,
NUNGAMBAKKAM, CHENAI- 34.
5. THE FIT PERSON,
ARULMIGHU BALAMURUGAN TEMPLE,
ESWARAN KOIL STREET,
PORUR, CHENNAI-116.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, direct the fifth respondent to permit the petitioner's family to participate in the 48th PANGUNI UTHIRA FESTIVAL and allow to conduct Chariot Festival (Ther Thiruvizha) to be conducted and to be celebrated from 10.04.2025 to 12.04.2025.

For Petitioner : Mr.M.Tamizavel
For R1 to R5 : Mr.K.Karthikeyan
Government Advocate

ORDER

The writ petition is filed to direct the fifth respondent to permit the petitioner's family to participate in the 48th PANGUNI UTHIRA FESTIVAL and allow to conduct Chariot Festival (Ther Thiruvizha) to be conducted and to be celebrated from 10.04.2025 to 12.04.2025.

2. The learned counsel for the petitioner would submit that the petitioner Sabha only has the customary rights to conduct the Chariot festival. On earlier occasions, by different orders in respect of various years in WP.No. 8020 of 2019, WP No. 4628 of 2022 etc., the petitioner has been permitted to conduct the festival. Therefore, the learned Counsel submits that this year also let the petitioner and family be permitted to conduct the festival.

3. Mr.K.Karthikeyan, the learned Government Advocate taking



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notice on behalf of the respondents 1 to 5, would submit that there is no difficulty in permitting the members of the petitioner Sabha also in the function. But they cannot claim any exclusive right that they will only conduct the 'Ther festival'. They cannot claim exclusive right to conduct the 'Ther festival' unless the same is declared in accordance the Act.

4. I have considered the submissions made on behalf of the petitioner.

5. It is true that for several years the petitioner has been approaching and orders have been passed. In my respectful view, that if the petitioner Sabha has got any customary or religious right to perform any pooja or festival including the Chariot Festival, the petitioner has to approach the Joint Commissioner under Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and if only a declaration is made, the petitioner Sabha will be automatically be permitted to conduct a particular festival or a religious practice. Every year on adhoc basis this Court under Article 226 cannot be issuing directions. Therefore, the petitioner Sabha is permitted to approach the Joint Commissioner and as and when such an application is filed, the same shall be considered and decided in accordance



with law.

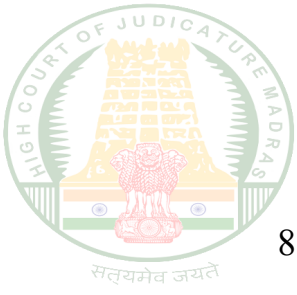


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6. As far as this year is concerned, the prayer made is two-fold. Firstly, it is prayed that the petitioner's family to participate in 48th Panguni Uthiram festival. As the writ petition is filed by Sabha and there cannot be a family for the Sabha. In any event, all the devotees and their family members including the members of the petitioner Sabha and their family will be permitted to participate and the same will be conducted only by the temple authorities. The permission to conduct the chariot festival by the petitioner cannot be granted. However, like any other devotee, the petitioner Sabha and its members can also pull the chariot or worship the god as per the practices.

7. The parties shall act upon production of the web copy of the order without waiting for the certified copy of the order.



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8. With the above observation the Writ Petition stands disposed of.

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Neutral Citation: Yes/No
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To

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