



W.P.(MD)No.4501 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4501 of 2025

and

W.M.P.(MD)Nos.3234, 3235 and 3236 of 2025

1.R.Anbalagan

2.S.Ramaraj

3.S.Dhanasekaran

... Petitioners

[The petitioners for themselves and as representatives of the Viswakarma Community People (Aachari) of Anaikulam, Udayaservarayanpatti, Irunchirai Villages, Tiruchuli Taluk, Virudhunagar District, Peraiyur, Abiramam Villages, Kamuthi Taluk, Ramanathapuram District]

-VS-

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Door No.119, Uthamar Gandhi Road,
Thousand Lights West, Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
K.S.Kumaran Muthusamy Nagar,
CB Colony, Sivagangai - 630562.



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3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Virudhunagar.

4.The Fit Person Cum Executive Officer,
Arulmigu Chokkanathaswamy Temple,
Aruppukkottai, Virudhunagar District.

5.D.Murugaselvam

6.Ramesh Babu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 16.12.2024, passed by the fourth respondent and quash the same and consequently, permitting the Viswakarma Community of Anaikulam, Udayaservarayanpatti, Irunchirai Villages, Virudhunagar District, Peraiyur, Abiramam Villages, Ramanathapuram District, to celebrate Maha Sivarathiri festival in Arulmigu Angalaparameswari Temple, situated at Anaikulam, Tiruchuli Taluk, Virudhunagar District, without any personal interference from the respondents 5 and 6.

For Petitioners : Mr.J.Barathan

For R1 to R3 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R4 : Mr.P.Mahendran



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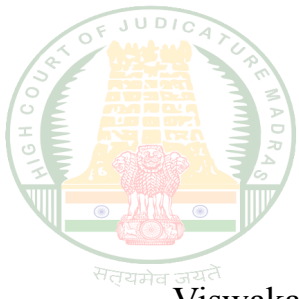
ORDER

This Writ Petition has been filed seeking to quash the impugned order passed by the fourth respondent, dated 16.12.2024 and consequently, permitting the Viswakarma Community of Anaikulam, Udayaservarayanpatti, Irunchirai Villages, Virudhunagar District, Peraiyur, Abiramam Villages, Ramanathapuram District, to celebrate Maha Sivarathiri festival in Arulmigu Angalaparameswari Temple, situated at Anaikulam, Tiruchuli Taluk, Virudhunagar District, without any personal interference from the respondents 5 and 6.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the respondents 5 and 6, notice to the respondents 5 and 6 is hereby dispensed with.

4. The learned counsel for the petitioners submits that the Arulmigu Angalaparameswari Temple is the family deity of the Viswakarma Community in the villages of Anaikulam, Peraiyur, Udayaservarayanpatti, Irurichirai and Abiramam. The temple is managed by a fluctuating body of persons from the



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Viswakarma Community in these villages. The administrative committee does not accept or seek donations from people belonging to other communities. The members of the administrative committee received a notice dated 16.12.2013 from the fourth respondent, alleging that he had been appointed as the fit person of the temple through an order passed by the third respondent on 26.11.2013. Hence, the petitioners filed W.P.(MD)No.20915 of 2013 before this Court, seeking to quash the third respondent's order dated 26.11.2013. This Court set aside the said order, by order dated 30.09.2015. When the third respondent's order was set aside by this Court, the fourth respondent, who claimed to have been appointed as the fit person of the temple, had no basis to continue. Aggrieved over the same, the respondents 1 and 3 filed W.A.(MD)Nos.1136 and 1140 of 2015. A Hon'ble Division Bench of this Court passed a common judgment on 10.07.2017, remanding the matter to the Assistant Commissioner, Virudhunagar, for fresh consideration. Pursuant to the said judgment, the fourth respondent was once again appointed as the fit person of the temple.

5. The learned counsel for the petitioners submits that the petitioners filed O.S.No.58 of 2023 before the Additional District Court, Virudhunagar, against the

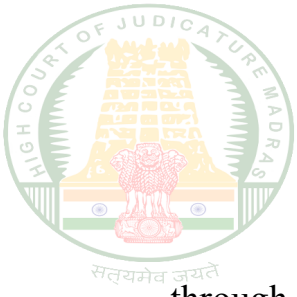


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respondents, which was later transferred to the Additional District Court, Aruppukottai and the same is pending. While the suit is pending, the respondents 5 and 6 submitted individual petitions to conduct Maha Sivarathiri on 26.02.2025. However, without giving notice to other parties, the fourth respondent passed the impugned order dated 16.12.2024, granting permission to the fifth respondent to celebrate the festival. Hence, the present Writ Petition has been filed.

6. The learned Additional Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the fourth respondent submit that the temple falls under the purview of the Hindu Religious and Charitable Endowments Department, as per Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. As per the proceedings of the third respondent, dated 26.11.2013, the fourth respondent was appointed as the 'fit person' and the temple's management is being carried out in accordance with the said order.

7. It is the usual practice for the Maha Sivarathri festival to be performed in the temple during the month of Maasi with the permission of the fit person and

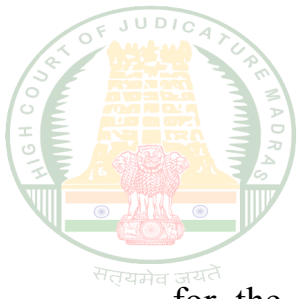


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through donations from devotees, under the fit person's supervision. The festival is not conducted based on the precedence of donors. As done in the previous years, this year also the festival is proposed to be celebrated in the temple through the fit person. The income and expenditure accounts, as well as the temple accounts and the accounts of the opening Hundis are managed by the fit person in accordance with the procedure and are subject to audit. Therefore, the respondents prayed for dismissal of the Writ Petition.

8. Heard the learned counsel appearing for the parties.

9. Considering the submissions made by the learned counsel for both sides, this Court directs that the Maha Sivarathri festival will be conducted in the Arulmigu Angalaparameswari Temple under the supervision of the fit person, as appointed by the third respondent, in accordance with the customary practice. The festival shall be held with the permission of the fit person and through donations from the devotees. The accounts related to the income, expenditure and opening Hundis shall continue to be managed by the fit person, subject to audit as per the applicable procedure. The fit person is directed to ensure that all arrangements



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for the festival, including the management of donations and supervision are conducted in compliance with the relevant legal provisions and in a manner that respects the traditions of the temple. The official respondents are also directed to ensure the smooth functioning of the festival.

10. With the above observations and directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No

Index : Yes / No

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20.02.2025

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Note:- Issue order copy on 21.02.2025.

To:-

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Hindu Religious and Charitable Endowments Department,
Door No.119, Uthamar Gandhi Road,
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VIVEK KUMAR SINGH, J.

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