

W.P.(MD)No.13957 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.05.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)Nos.13957 & 13977 of 2025

and

W.M.P.(MD)No.10127 of 2025

W.P.(MD)Nos.13957 of 2025:

M.Hitesh

: Petitioner

Vs.

1.The Commissioner,

Hindu Religious and Charitable Endowments (HR & CE),

No.19, Uthamar Gandhi Salai,

Nungampakkam,

Chennai – 600 034.

2.The Joint Commissioner,

Hindu Religious and Charitable Endowments (HR & CE),

Ellis Nagar,

Madurai District.

3.The Deputy Commissioner,

Sri Kallazhagar Devasthanam,

Alagercoil,

Madurai District.



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4.Balasubramanian @ Seeman

5.Santhi

6.Seenivasan @ Chelladurai

7.Balakrishnan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the third respondent to receive the tax from the petitioner and permit him to put up mandagapadi and performed poojas to Kallazhagar in his Kal Mandapam based on his representation dated 18.04.2025 and consequently forbearing the third respondent from receiving tax from the respondents 4 to 7 and permit them to put up mandagapadi.

For Petitioner : Mr.C.Susi Kumar
for M/s.Subash Law Office
For Respondents 1&2 : Mrs.S.Jeyapriya
Government Advocate
For Respondent No.3 : Mr.VR.Shanmuganathan

W.P.(MD)Nos.13977 of 2025:

1.Seeman

2.Chelladurai

3.Balakrishnan

: Petitioners

Vs.

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1.The Executive Officer,

Arulmigu Sri Kallalagar Soundararaja Perumal Swamy Temple,
Alagar Kovil,
Madurai District.

2.M.Mahendran

3.M.Hitesh

: Respondents

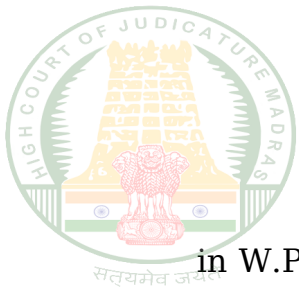
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to receive the fees from the petitioners for conducting Thirukkan Mandagapadi at K.K.Karuppan Ambalam Stone Mandapam in Survey No.59/13, Kallanthiri Village, Alagar Kovil Road, Madurai District for the Chithra Pournami festival of Arulmigu Sri Kallalagar Soundararaja Perumal Swamy Temple, Alagarkovil for the year 2025.

For Petitioner : Mr.J.Barathan

For Respondent No.1 : Mr.VR.Shanmuganathan

COMMON ORDER

Heard Mr.J.Barathan, learned Counsel appearing for the petitioner in W.P.(MD)No.13977 of 2025, Mr.C.Susi Kumar, for M/s.Subash Law Office, learned Counsel appearing for the petitioner



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in W.P.(MD)No.13957 of 2025, Mrs.S.Jeyapriya, learned Government Advocate appearing for the respondents 1 & 2 in W.P.(MD)No.13957 of 2025 and Mr.VR.Shanmuganathan, learned Counsel for the Executive Officer of the temple.

2.Both the Writ Petitions have been filed seeking Writs of Mandamus, to direct the Deputy Commissioner, Sri Kallazhagar Devasthanam, Alagarcoil, Madurai, to receive the Mandagapadi fee / tax from the petitioners and permit the petitioners to put up the Mandagapadi. It is seen that for the past several decades, the family of Ku.Ka.Karuppan Ambalam and K.K.A.Karuppan Ambalam, who are brothers have been performing the Mandagapadi and insofar as their descendants also there appears to be no serious claim or dispute. They have been performing the Mandagapadi cordially, of one brother conducting for one year and other brother conducting one year.

3.However, the petitioner in W.P.(MD)No.13957 of 2025 claims to be son of one Mahendran, who claims to be the elder male heir of the family and therefore, the petitioner in W.P.(MD)No.13957 of 2025, states that the petitioner being son of the eldest male heir Mahendran, is entitled to perform the Mandagapadi.



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4.I have gone through the typed set of papers in W.P.
(MD)No.13957 of 2025.

5.In and by the Partition deed dated 30.04.2009, one K.K.Mani, who has apparently settled certain items of property in favour of the petitioner in W.P.(MD)No.13957 of 2025 has partitioned various items of property amongst his sons and daughters. It is seen that the Kal Mandapam, which is subject matter of the present dispute is not an item of property referred in the said partition deed. It is also submitted that the petitioner's father Mahendran has already released his right in respect of various properties to which he was entitled to, in and by release deed dated 03.03.1988 and only in furtherance of the release deed, the partition deed came to be executed. Therefore, there is no reference to the petitioner's father in the partition deed.

6.Be that as it may, I find that the settlement deed executed in favour of the petitioner has also been cancelled, though unilaterally and subject matter of challenge in O.S.No.91 of 2019, pending on the file of Sub-Court, Melur. On the other hand, the case of the writ petitioner in W.P.(MD)No.13977 of 2025, is that for the

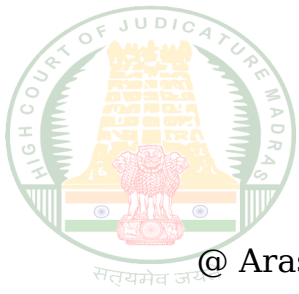


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past more than 50 years, it is only the descendants of K.K.Karuppan Ambalam and K.K.A.Karuppan Amabalam, who have been performing the Mandagapadi, without any dispute alternatively between two different families. According to the learned Counsel for the petitioner, it is the turn of the petitioner's family this year. He has also produced the payments made in respect of the past several years for performing the Mandagapadi. It is seen that the petitioner in W.P.(MD)No.13577 of 2025 has not performed the Mandagapadi even for one occasion. The petitioner in W.P.(MD)No.13957 of 2025 has challenged the cancellation of the settlement deed in his favour and the matter is pending before the Sub-Court.

7.Learned Standing Counsel for the temple would submit that presently, there are three rival claims made for performing the Mandagapadi, he would therefore, submit that it shall be necessary for the parties to approach the competent civil Court or the Joint Commissioner under Section 63 and obtain permission and thereafter, perform the Mandagapadi.

8.Considering the facts in both these Writ Petitions, I find that there is no dispute with regard to the claims insofar as K.K.Karuppan Ambalam and K.K.Ramaiah on one hand and Maharaja

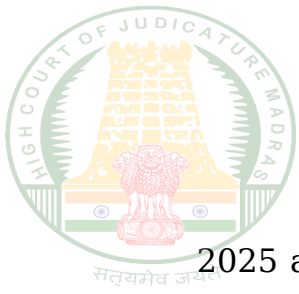


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@ Arasappan and Ramamoorthy on the other hand. Now, the dispute

has arisen only based on the request made by the petitioner in W.P. (MD)No.13957 of 2025, for performing Mandagapadi. The petitioner's status as a legator or as a beneficiary of the settlement deed itself is at large, in view of the settlement deed having been cancelled. Further, as pointed out by Mr.Bharathan, the Kal Mandapam is not even a subject matter of the partition deed dated 30.04.2009. However, in the settlement deed in favour of the petitioner in W.P.(MD)No.13957 of 2025 dated 26.11.2014, I find that the reference to the antecedent title is only through the said partition deed dated 30.04.2009, which admittedly does not include the Kal Mandapam, which is the subject matter of issue.

9.In the light of the above, the petitioner in W.P.(MD)No. 13977 of 2025, is entitled to perform the Mandagapadi this year, subject to the permission of K.K.Ramaiah, which could be ascertained by the Deputy Commissioner of temple. In other words, K.K.Ramaiah's consent for the Mandagapadi to be performed by the sons of K.K.Mani Ambalam namely Seeman, Chelladurai and Balakrishnan, shall also be taken into account. If the turn of the petitioner is falling this year, then the third respondent shall receive the Mandagapadi Tax from the petitioner in W.P.(MD)No.13977 of



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2025 and permit them to perform the Mandagapadi. It is open to the petitioner in W.P.(MD)No.13957 of 2025, to establish his rights in the Civil Court and thereafter, make a claim. It is submitted that the last date for payment of Mandagapadi tax was yesterday. In the light of the Writ Petition being disposed of today, the third respondent is directed to receive the Mandagapadi tax from the petitioner in W.P. (MD)No.13977 of 2025.

10.Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

08.05.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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