



W.P.(MD) No.970 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.970 of 2026

and

W.M.P.(MD)No.765 of 2026

Thanumalayan

... Petitioner

Vs

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department (HR and CE),
Nagercoil,
Kanyakumari District.
3. The Tahsildar,
Thovalai Taluk Office,
Thovalai, Kanyakumari District.
4. The Thakkar / Fit Person/ Excutive Officer,
Arulmighu Esakkiamman Temple,
Mupanthal,
Kanyakumari District.
5. Velmurugan
6. Parthiban

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 and 4 to forbear the respondents 5 and 6 and their group from conducting any festivals in the Arukulamadan Temple, situated in Melkarai, Azhagiyapandiapuram, Thovalai Taluk, Kanyakumari District, till the disposal of the O.A.Nos. 1 and 2 of 2009 on the file of the Joint Commissioner, H.R and C.E., Tirunelveli.

For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 to R4

Mr.S.A.Ganapathy Raman for R5 & R6

ORDER

This Writ Petition is filed seeking a Mandamus as against the respondents 1 and 4 to forbear the respondents 5 and 6 and their group from conducting any festivals in the Arukulamadan Temple, situated in Melkarai, Azhagiyapandiapuram, Thovalai Taluk, Kanyakumari District, till the disposal of the O.A.Nos. 1 and 2 of 2009 on the file of the Joint Commissioner, H.R and C.E., Tirunelveli.



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2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner would submit that the petitioner has filed an application in O.A.No.2 of 2009 before the Joint Commissioner, HR & CE Department, Tirunelveli seeking for declaration, to declare that the subject temples are their family temple. The respondents 5 and 6, claiming that the temples are their community temple, have filed an application in O.A.No.1 of 2009 before the Joint Commissioner, HR & CE Department, Tirunelveli, seeking for framing scheme to the temple. Though the said applications are still pending, the official respondents are allowed the respondents 5 and 6 to conduct the festival. Hence, the petitioner has filed this Writ Petition for the above said relief. He would submit that for the same relief, the petitioner has already filed a Writ Petition before this Court and the same was dismissed vide order dated 08.03.2024.

4. The learned Special Government Pleader appearing for the official respondents 1 to 4 would submit that for the same relief the petitioner has filed an application in O.A.No.2 of 2009 before the Joint



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Commissioner, HR & CE Department, Tirunelveli and the same is pending. Pending the said application, the petitioner has filed this Writ Petition before this Court. Therefore, he prays for dismissal of the Writ Petition.

5. The learned counsel appearing for the respondents 5 and 6 would submit that the forefathers of the respondents 5 and 6 conducted festival for more than 150 years. Taking note of the same, the official respondents are granted permission to the respondents 5 and 6 to conduct festival in the subject temple.

6. Considering the facts and circumstances of the case, this Court is of the view that since the applications filed by the petitioner and the respondents 5 and 6 are pending, the official respondents granted permission to the respondents 5 and 6 to conduct festival. The similar permission was granted by the respondents in the last year as well. Therefore, if at all any grievance, the petitioner can very well challenge the said order. Instead of doing the same, the petitioner has filed this Writ Petition for the above said relief. In the application filed by the petitioner, if the official respondents are arrived at a conclusion that the



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subject temple is a family temple of the petitioner, thereafter, the petitioner's right will accrue automatically and the question of interference of the official respondents does not arise. Therefore, I do not find any merit in this Writ Petition and the same is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. However, the concerned official respondent is directed to dispose of the applications filed by the petitioners and the respondents 5 and 6 in O.A.Nos.2 and 1 of 2009, within a period of three months from the date of receipt of a copy of this order. The petitioner is granted liberty to participate in the festival conducted by the respondents 5 and 6. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.01.2026

vsm

Index : Yes/No

NCC : Yes/No



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KRISHNAN RAMASAMY, J.

vsm

To

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