



W.P.(MD) No.9005 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2026

CORAM

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.9005 of 2026**

and

**W.M.P.(MD) Nos.7229 to 7231 of 2026**

1.M.Maharajan

2.N.Latchagodi

3.K.Annakodi

... Petitioners

Vs.

1.The Election Officer / Sub Collector,  
Usilampatti Division,  
Usilampatti Taluk,  
Madurai District.

2.The District Superintendent of Police,  
Office of the DSP,  
Usilampatti Taluk,  
Thirumangalam Range,  
Madurai District.

3.N.K.P.Muthu

4.The Joint Commissioner,  
Office of the Joint Commissioner,  
HR and CE Department,  
Dindigul.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in Na.Ka. No.1370/2026/A1 dated 25.03.2026 and quash the same insofar as it permits or recognizes the conduct of Kapparai Poojari function by the third respondent in Arulmigu Sri Karuppasamy Temple, Vakkurani Village, Usilampatti Taluk, Madurai District on 01.04.2026 and consequently direct the respondents to maintain *status quo* in respect of selection / appointment of Kapparai Poojari pending disposal of the statutory appeal filed under Section 69 of the Tamil Nadu HR and CE Act.

For Petitioners : Mr.M.Arumugam

For R1 & R4 : Mr.J.K.Jayaselan  
Government Advocate

For R2 : Mr.K.Gnanasekaran  
Government Advocate (Crl. Side)

### **ORDER**

This Writ Petition is filed challenging the impugned order passed by the first respondent in Na.Ka.No.1370/2026/A1 dated 25.03.2026, insofar as it permits or recognizes the conduct of the Kapparai Poojari function by the third respondent in Arulmigu Sri Karuppasamy Temple, Vakkurani Village, Usilampatti Taluk, Madurai District, on 01.04.2026



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and consequently seeking a direction to the respondents to maintain *status quo* in respect of the selection/appointment of Kapparai Poojari pending disposal of the statutory appeal filed under Section 69 of the Tamil Nadu H.R. & C.E. Act.

2. The grievance of the petitioners is as follows:

(i) With reference to Arulmigu Sri Karuppasamy Temple, Vakkurani Village, Usilampatti Taluk, Madurai District, which is claimed to be Arulmigu Palla Karuppasamy Temple by the third respondent, there are four types of Poosari and Kapparai Poojari is one such type.

(ii) As per the customary rights, the electorate decides the said customary Kapparai Poojari office.

(iii) While so, claiming it to be his hereditary right, the third respondent filed an application under Section 63(e) of the Tamil Nadu H.R. & C.E. Act and by an order dated 31.12.2025, the third respondent was held entitled to the said Kapparai Poojariship hereditarily.



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(iv) Aggrieved thereby, the petitioners have preferred an appeal in Appeal No.21 of 2026 before the Commissioner, H.R. & C.E. Department and the same is pending.

(v) The petitioners had also sought urgent interim orders. Without even permitting the petitioners to move for interim orders, the matter has been kept pending, stating that the hearing will be informed to the petitioners. However, in the meanwhile, taking advantage of the order of the Joint Commissioner, the third respondent has approached the District Electoral Officer and obtained permission on 25.03.2026 through the impugned order to conduct the Kapparai Poojari Pidikum Thiruvizha on 01.04.2026. This would mean that the third respondent, in spite of the appeal preferred by the petitioners, will enjoy the benefits of the order of the Joint Commissioner, which was allegedly wrongfully conferred on him and the very appeal of the petitioners would be rendered nugatory.

3. I have considered the said submissions made by the learned counsel for the petitioners and perused the material records of the case.



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4. It is true that if the petitioners are aggrieved by the order of the Joint Commissioner, they are entitled to file an appeal before the Commissioner, which they have rightfully done. The petitioners should be in a position to move for interim orders and they have also filed petitions for interim orders. The only contention is that they must be permitted to move the injunction petition. Since such permission has not been granted, the petitioners have approached this Court to exercise its power under Article 226 of the Constitution of India.

5. When an interim application is moved before the Commissioner, this Court cannot pass interim orders but can only direct the Commissioner to permit the petitioners to move the said interim injunction. Even to pass such an order, when the festival is to take place the day after tomorrow, i.e., on 01.04.2026, the petitioners have approached this Court only today. Even if a direction is to be granted to the Commissioner, it may not be possible to communicate the order and thereafter take up the hearing of the interim injunction petition before the Commissioner by tomorrow. Under such circumstances, at the last minute, no interim relief can be granted.



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6. The conduct of such festival, etc., is in the realm of customary rights, which seem to have been duly established as on date before the Joint Commissioner. Even if it is erroneous, interim orders have to be obtained in the appeal. Under such circumstances, at this last minute, I am not in a position to grant any interim order. This Writ Petition is disposed of on the following terms:

- i. The Commissioner, H.R. & C.E. Department, shall dispose of the appeal in Appeal No.21 of 2026 as expeditiously as possible, in any event, not later than four months from the date of receipt of a copy of this order.
- ii. It is made clear that this Writ Petition is disposed of at the admission stage itself, without notice to the third respondent.
- iii. In the meanwhile, the petitioners shall also be permitted to move the application for interim injunction or any such modified relief as may be permissible, as time permits.
- iv. No costs. Consequently, the connected Miscellaneous Petitions are closed.

30.03.2026

JEN  
Neutral Citation : No



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To  
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- 1.The Election Officer / Sub Collector,  
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Dindigul.

Copy To

The Commissioner,  
H.R. & C.E. Department,  
Chennai.



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**D.BHARATHA CHAKRAVARTHY, J.**

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