

W.P.(MD) No.4482 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM:

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P.(MD) No.4482 of 2023
and
W.M.P.(MD) No.4217 of 2023**

Pulavar.Durai.Thiruvengkadam

... Petitioner

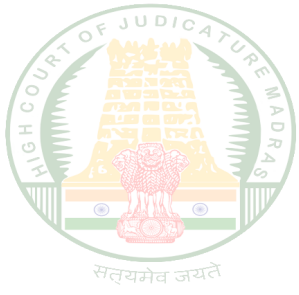
-VS-

1.The Executive Officer
Arulmigu Adhikumbeswarar Thirukoil
Kumbakonam-612 001
Thanjavur District

2.Durai Vemburathinam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to withdraw the schedule as mentioned in the Maasi Maham Festival Invitation-2023 on 03.03.2023 at about 1.30 p.m – 4.00 p.m in front of second respondent's house regard of proceeding the Deities of Arulmigu Adhi Kumbeswara Swamy and Arulmigu Mangalambigai, consequently directing the first respodent to conduct the



W.P.(MD) No.4482 of 2023

WEB COPY

Abishegam and Aaradhana to Swamy and Ambal at 8th Cauvery Mandapam as earlier conducted by the first respondent in past as per the customs on the basis of the petitioner's representation dated 27.01.2023.

For Petitioner : Mr.Balasubramanian.E.

For Respondents : Mr.V.Chandrasekar
Standing Counsel for R1

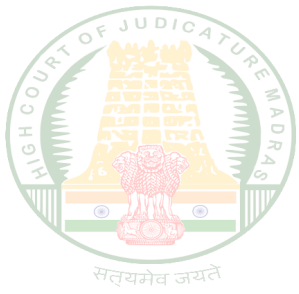
ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

Mr.V.Chandrasekar, learned Standing Counsel, takes notice for the first respondent.

2. Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the second respondent is dispensed with.

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

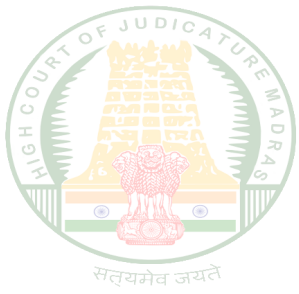


W.P.(MD) No.4482 of 2023

WEB COPY

4. Pulavar.Durai.Thiruvengkadam, claiming to be a State President of Ahila Bharatha Hindu Aanmeega Peravai, has filed this writ petition for issuance of a writ of mandamus, under Article 226 of the Constitution of India, to direct the first respondent to withdraw the schedule as mentioned in the Maasi Maham Festival Invitation-2023, on 03.03.2023 at about 01.30 p.m. – 04.00 p.m., with regard to taking the deities of Arulmigu Adhi Kumbeswara Swamy and Arulmigu Mangalambigai to the second respondent's house and to direct the first respondent to conduct Abishegam and Aaradhana to the deities at 8th Cauvery Mandapam as earlier conducted as per the customs, on the basis of the petitioner's representation dated 27.01.2023.

5. It is the claim of the petitioner that during the eve of Mahamagam Kumba Mela, which is held once in twelve years, around ten lakh devotees are used to come for holy dip in the Mahamagam Tank. For this year, the first respondent has published Maasi Maha Peruvizha Festival-2023 Invitation with fourteen days schedule of festival starting from 24.02.2023 to 09.03.2023. At the time of Kuthirai Vahana Urchavam, the deities would be taken from the temple to the Mandapam situated at 8th Padithurai at Cauvery River and after completion of Abishegam and Archanai, the deities would be taken in the Holy Car, which is called as Andiappa Mudaliar Parambari

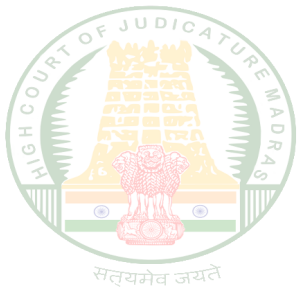


W.P.(MD) No.4482 of 2023

WEB COPY

Mandagapadi. Since the Mandapam situated at 8th Padithurai at Cauvery River is damaged, a temporary shed has been put up in front of one Sastha Bajanai Madam, which is run by a Saint, namely, Duraiswamy, who is the father of the second respondent. After the demise of the said Saint Duraisamy, the said Sastha Bajanai Madam was dropped and a residential house has been constructed by the second respondent. As the deities are taken to the private property, namely, second respondent's house, which is affecting the sentiments of other devotees, the petitioner has given a detailed representation dated 27.01.2023 to the first respondent objecting the same and since no action has been taken by the first respondent till date, the petitioner has filed this writ petition.

6. Mr.V.Chandrasekar, learned Standing Counsel, for the first respondent, on instructions, submitted that since the Mandapam situated at 8th Padithurai at Cauvery River is in dilapidated condition and it has been demolished and a residential house has been constructed, the first respondent, with the abundant caution to avoid untoward incidents, stopped the arrangement of taking the deities to the said Mandapam. Therefore, taking the deities to the house of the second respondent although is objectionable, now, the deities are not going to be taken to the second



W.P.(MD) No.4482 of 2023

WEB COPY

respondent's house and all suitable arrangements have been made to take the deities to the Mandapam situated at banks of River Cauvery in future. Even tomorrow also, the temple festival will be conducted as per the usage and customs by taking the deities to the Mandapam situated at the banks of River Cauvery and the deities would not be taken to any private property.

7. Recording the above submissions of the learned Standing Counsel appearing for the first respondent, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[T.R., A.C.J.] [D.K.K., J.]

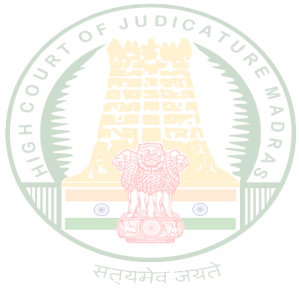
02.03.2023

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

Note to Office :

Issue order copy on03.2023

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W.P.(MD) No.4482 of 2023

T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

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