



W.P.(MD).No.11313 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM :

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

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and

W.M.P(MD).Nos.8834 and 8837 of 2021

K.Suresh

... Petitioner

Vs

1. The Secretary to Government,
Hindu Religious and Charitable Endowments Department,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai.
3. The Joint Commissioner,
Kanniyakumari District Temple Trustee Board,
Suchindram, Kanniyakumari District.
4. The District Collector,
Kanyakumari District @ Nagercoil.



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5. The Chairman,
Kanniyakumari District Temple Trustee Board,
Suchindram, Kanniyakumari District.
6. Shree Parameshwara Brahmanandha Theertha Sivangal,
Madathipathi of Munchirai Madam,
Munchirai & Post,
Kanniyakumari District,
Camp Office, Shri Pushpanchali Swamiyar,
Thiruvananthapuram, Kerala State.
7. Sri Neelakanta Bharathigal,
Naduvil madam,
East Port, West Nada,
Port Post, Thiruvananthapuram,
Kerala State.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 2 and 3 to engage the respondents 5 and 6, thereby restoring the Pushpaanjali rituals including Anujha, Pushpanchali, Mandapa Jebam, Nei Jebam, Sri Padanamaskaram mandated in the Register of Poojakramas for Adhikesavan Temple as per the Agamams of the temple in the daily poojakramam at par with Padmanabhaswamy Temple at Thiruvananthapuram, on the basis of the petitioner's representation dated 05.03.2021 within a reasonable time frame as fixed by this Court.



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For Petitioner : Mrs.L.Victoria Gowri

For respondents : Mr.A.K.Manickam,
Standing Counsel for Government
for R1, R2 and R4
Mr.K.Sathiya Singh
for R3 and R5

ORDER

[Order of the Court was made by **T.S.SIVAGNAM, J.**]

This writ petition has been filed as a public interest litigation by Mr.K.Suresh, who states that he is the Vice President of an Organization, called as Dharma Sena, which is said to be a Social Organization.

2. The petitioner has filed this writ petition praying for a direction upon the official respondents to engage the respondents 5 and 6 for performing Pushpaanjali rituals including Anujha, Pushpanchali, Mandapa Jebam, Nei Jebam, Sri Padanamaskaram, which according to the petitioner is a mandate written down in the Register of Poojakramas for Adhikesavan Temple as per the Agamams of the temple in the daily poojakramam at par with Padmanabhaswamy



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Temple at Thiruvananthapuram. In this regard, the petitioner has sent a representation on 05.03.2021 and has approached this Court, because the representation has not been considered.

3. We have elaborately heard Mrs.L.Victoria Gowri, learned counsel appearing for the petitioner; Mr.A.K.Manickam, learned Government Counsel appearing for the respondents 1, 2 and 4 and Mr.K.Sathiya Singh, learned counsel appearing for the respondents 3 and 5.

4. During the course of argument, Mrs.L.Victoria Gowri, learned counsel appearing for the petitioner, with utmost passion and reverence narrated in detail about the sanctity of the said temple and the heritage attached to the said temple and expressed anguish over the manner in which the temple and deity are being mandate.

5. It is further submitted that the people of the locality hold the deity with utmost reverence and they are very sad to see that the temple has not been maintained properly and the rituals and the poojas are not performed as per the



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Agamams. This aspect of the matter regarding the preservation, restoration and maintenance of the temple is a separate issue and the same cannot be rolled into the relief sought for by the petitioner, wherein, the petitioner seeks for the Pushpaanjali ritual to be conducted by the respondents 6 and 7.

6. Insofar as the maintenance of the temple is concerned, it is undoubtedly the duty of the HR & CE Department, to maintain the temple and preserve the heritage value of the temple for the posterity to be aware of the rich heritage. Nevertheless, there are lot of issues as to how the funds have to be deployed for such preservation, restoration and maintenance.

7. We agree with the submissions of the learned counsel appearing for the petitioner that in several temples in the State of Tamil Nadu, due to lack of funds, poojas are not even performed, once in a day in those temples. The question would be that, who is to be blamed for this. In our considered view, there are several people who have contributed to this issue resulting in the temples being funds starved. The poojaris not being paid in time, rituals unable to be performed for lack of funds etc. The lessees of the temple are one of the main persons, who



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are to be blamed for the temples being left without sufficient funds. Several cases are filed before this Court by the lessees claiming that they are entitled to continue indefinitely in temple property paying a paltry sum as a rent or license fee.

8. The Authorities' unmindful of the heritage value of various temples had licensed and leased out the temple property as well as the pragarams and verandas of the temples to traders to carry on trading activity by selling articles which are unrelated and unconnected with the temple and the worshipping public. These shops have virtually become shopping centres, if not, shopping malls. In spite of a very severe fire accident occurred in Madurai, still people have not learn a lesson and even today, there was a writ appeal listed before us for admission, at the instance of the licensee, stating that he is entitled to continue to run a shop within the temple, rather the shop is embedded in the temple's wall. If such is the situation, obviously, the temple will be without funds and sorry state of affairs cannot be avoided. Therefore, the HR & CE Department alone is not to be blamed, but there are several persons to be blamed for such sorry state of affairs.



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9. Therefore, if the petitioner has material with him as to how the Arulmighu Adhikesavan Temple has to be preserved, restored and maintained, he can share the details with the Authorities by way of detailed representation. So far as the relief sought for in the writ petition is concerned, this in our opinion is a civil right and if according to the petitioner, a particular sect of people have to perform that particular ritual as recorded in the Register of Agamams, then the petitioner's remedy lies else where and not by way of writ petition .

10. We are informed by Mr.Sathiya Singh, learned counsel appearing for the respondents 3 and 5 that ritual is now being performed by another Mutt and poojaris attached to the said Mutt. If such is the situation, then it is all the more necessary to approach the appropriate Forum for such a prayer. Furthermore, the learned counsel appearing for the respondents informed the Court that neither the sixth respondent nor the seventh respondent, at any point of time made a request stating that as per the Register of Agamams, they have to perform the poojas. Thus the petitioner cannot canvass the case as a third party. Nevertheless, if the petitioner is a public spirited person and the worshipper of the said temple, he can always approach the Authority by way of an appropriate application under the Act



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and seek for appropriate relief and therefore, we cannot issue a Writ of Mandamus as sought for. However, we dispose of this writ petition, with aforementioned observations. No costs. Consequently, connected miscellaneous petitions are closed.

(T.S.S.,J.) (S.A.I.,J.)
09.07.2021

Index : Yes/No
Internet : Yes/No
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Note :

1. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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.To:

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