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W.P.No.1981 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.1981 of 2022

Rangarajan Narasimhan

.. Petitioner-in-  
person

Vs

1.The Additional Chief Secretary to Government,  
Government of Tamil Nadu,  
Secretariat, Chennai - 600 009.

2.The Secretary,  
Department of Tourism, Culture and  
Religious Endowments,  
Secretariat, Chennai - 600 009.

3.The Commissioner,  
Hindu Religious & Charitable Endowments Dept.,  
119, Uthamar Gandhi Salai,  
Nungambakkam,  
Chennai - 600 034.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the third respondent to put up necessary visible sign boards clearly mandating the dress-code (distinct Sanathana Dharma mark on the forehead of male/female



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devotees, dhoti/pyjama-kurta for men folk and saree/half-saree/salwar kameez for women folk) and fully covered clothing for children and to put in place checks and balances to ensure that any person entering into the temple is a believer of Sanathana Dharma in an effort to prevent atheists from entering into the Hindu temple.

For the Petitioner : Mr.Rangarajan Narasimhan  
Petitioner-in-person

For the Respondents : Mr.R.Shunmugasundaram  
Advocate-General  
assisted by  
Mr.N.R.R.Arun Natarajan  
Spl. Govt. Pleader (HR & CE)  
for respondent Nos.2 and 3

: Mr.P.Muthu Kumar  
State Government Pleader  
for respondent No.1

### ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed by the petitioner, appearing in person, seeking the following relief:

"For the reasons stated in the affidavit accompanying prayed that this Hon'ble court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ of Mandamus directing the 3rd respondent to put up necessary



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visible sign boards clearly mandating the dress-code (distinct Sanathana Dharma mark on the forehead of male/female devotees, dhoti/pyjama-kurta for men folk and saree/half-saree/salwar kameez for women folk) and fully covered clothing for children and to put in place checks and balances to ensure that any person entering into the temple is a believer of Sanathana Dharma in an effort to prevent atheists from entering into the Hindu Temple and pass such or other orders as this Hon'ble Court may deem fit to the facts and circumstances of the case and thus render justice."

2. The petitioner, appearing in person, submitted that a direction be issued on the third respondent to put up necessary visible sign boards mandating the dress code (distinct sanathana dharma mark on the forehead of male/female devotees; dhoti/phyjama-kurta for men folk and saree/half-saree/salwar kameez for women folk) and fully covered cloths for children; and, to put in place the checks and balances to ensure that any person entering the temple is a believer of sanathana dharma.

3. He further submitted that as per the provisions of the Hindu



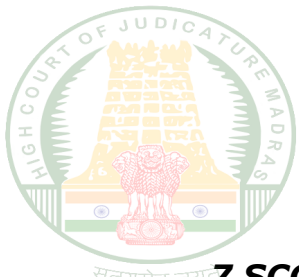
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Religious and Charitable Endowments Act, 1959 (for short, "*the Act of 1959*"), only a Hindu can enter the temple. But, in the absence of dress code, even persons of other religion are making entry into the temple. The prescription of dress code is necessary to maintain the sanctity of the temple. Therefore, a general direction be given to the respondents to put a sign boards in the temples requiring the dress code to be followed. The petitioner, appearing in person, has produced certain photographs to show that in the absence of dress code, the people are entering into the temple in different dresses.

4. The writ petition has been opposed by learned Advocate-General.

5. Learned Advocate-General submitted that sign boards are put in place in those temples, where the dress code is stipulated. A general direction as prayed for by the petitioner may not be issued. In the absence of dress code of a particular temple, putting up of sign board prescribing the dress code cannot be issued. The aforesaid argument has been supported by the judgment of the Apex Court in the case of ***Mrinalini Padhi v. Union of India and others, (2018)***



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सत्यमेव जयते **7 SCC 785.**

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6. Referring to paragraphs 18 and 30.8 of the aforesaid judgment, learned Advocate-General submitted that the direction of the nature sought by the petitioner herein was left to the discretion of the management of the temple to take regulatory measures in regard to the dress code. It is, however, with liberty to allow the devotee of any faith to enter the temple. In view of the above, the direction sought by the petitioner cannot be issued.

7. We have considered the rival submissions and perused the materials available on record.

8. Before adverting to the plea raised by the petitioner, it is appropriate to quote the relevant provision governing the dress code to be followed in the temples, i.e., the Rules under the Tamil Nadu Temple Entry Authorisation Act, 1947. Rule 4 of the said Rules reads as under:

"4. No person shall enter into any temple premises unless he has had a bath and wears cloths of such



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materials and in such manner as is customary in such temple. No person shall enter a temple with any footwear."

9. By virtue of the said Rule aforesaid, a duty is cast on a person who intends to enter the temple premises to wear cloths as is customary in such temple.

10. That apart, Section 4 of the Tamil Nadu Temple Entry Authorisation Act, 1947 empowers the Trustee or the authority in-charge of the temple, subject to control of the State Government to make regulations for maintenance of order and decorum in temple. Section 4 of the said Act reads as under:

**"4. Powers of trustees to make regulations for the maintenance of order and decorum, the due performance of rites and ceremonies in temples. -**

The trustee or other authority in-charge of a temple shall have power, subject to the control of the State Government and to any rules which may be made by them, to make regulations for the maintenance of order and decorum in the temple and the due observance of the religious rites and ceremonies performed in the



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temple, but such regulations shall not discriminate in any way against any Hindu on the ground that he belongs to a particular caste or sect."

11. When a mechanism has been provided under the aforesaid provisions to maintain order and decorum, we find no reason to accept the prayer of the petitioner seeking a particular dress code to be followed, as suggested by him in the writ petition, the basis whereof is not known.

12. That apart, in view of the judgment of the Apex Court in the case of **Mrinalini Padhi** (supra), the temple management can take regulatory measures in regard to the dress code to be followed, if it is customary. Thus, it depends on the individual temple to prescribe the dress code.

13. A person having faith and devotion towards the God needs to maintain proper dress code by himself, by following customary practice of the temple, if any. Putting up visible sign boards in regard to the dress code is followed in the temples where any customary practice of



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सत्यमेव जयते wearing a particular dress exists.

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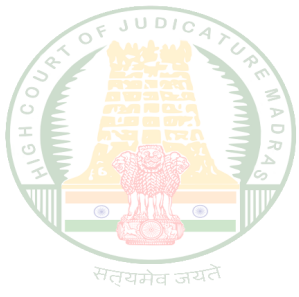
14. This Court, exercising jurisdiction under Article 226 of the Constitution of India, cannot issue a general direction to all temples to put up sign boards prescribing the dress code of the nature suggested by the petitioner. Visible sign boards may be fixed by those temples which have prescribed the dress code based on customary practice.

15. The devotees are expected to enter the temples in proper dress to maintain the sanctity of the temple. It is not for the Courts to venture into unchartered waters and thrust our opinions on society. It is the devotees who should realise that they are entering into a place of worship and they need to adhere to the customs in vogue at such temple, if any.

16. In view of the above, we dispose of this writ petition with the following directions:

- (1) The temples having dress code may fix visible sign boards to ensure that the dress code is followed and the temples can take regulatory measures in such





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regard.

(2) The general direction of the nature sought by the petitioner, appearing in person, cannot be given. If the temple is not having any dress code for the devotees, such devotees should be permitted to enter into the temple according to the provisions of the Act of 1947.

(3) The devotees are, however, expected to enter the temples in proper dress to maintain the decorum.

(4) The temple management can take regulatory measures for the aforesaid.

There will be no order as to costs.

(M.N.B., CJ) (D.B.C., J.)  
03.03.2022

Index : Yes/No  
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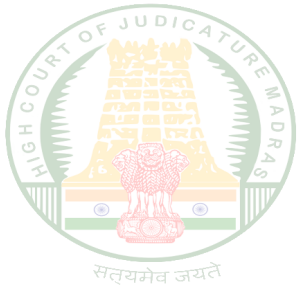


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