



W.P. (MD) No.7482 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P. (MD) No.7482 of 2023
and W.M.P. (MD) No.6990 of 2023

B.Ramkumar Adityan

... Petitioner

Vs.

1. Principal Secretary,
Hindu Religious and Charitable Endowments Department,
Government of Tamil Nadu,
Chennai – 600 104.
2. Commissioner,
Hindu Religious Charitable Endowments Department,
No.119 Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
3. Joint Commissioner/Executive Officer,
Arulmigu Dhandayuthapaniswamy Temple,
Palani – 624 601.
Dindigul District.
4. Joint Commissioner/Executive Officer,
Arulmigu Subramania Swamy Temple,
Tiruchendur – 628 215.
Thoothukudi District.



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5. Joint Commissioner/Executive Officer,
Arulmigu Arangantha Swamy Temple,
Srirangam – 620 006,
Tiruchirappalli District.
6. Joint Commissioner/Executive Officer,
Arulmigu Ramanathaswamy Temple,
Rameswaram – 623 526,
Ramanathapuram District.
7. Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundaraswarar Temple,
Madurai - 625 001,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents 1 and 2 to take effective steps to fix a Separate Darshan Time Slot for VVIPs and VIPs, Senior Citizens, Physically Challenged People, Pregnant Women, Mothers with Infant, Medical Cases of Kidney Transplantation, Liver Transplantation, Open Heart Surgery, Dialysis, Brain Surgery, Cancer and Spine Surgery in the 3rd to 7th Respondents Temple and issue Darshan Time Slot token to all the General Darshan and Special Entry Darshan Devotees to avoid rush in the Darshan queue.

For Petitioner : Mr.T.Selvan
for M/s.Sankar Shanmugam

For Respondents : Mr.Veera Kathiravan,
1 & 2 Assisted by
Mr.P.Subbaraj,
Special Government Pleader



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For 3rd Respondent: Mr.K.Govindarajan

For 4th Respondent: Mr.M.Muthugeethaiyan

For 5th Respondent: Mr.M.Saravanan

For 6th Respondent: Mr.S.Ramesh

For 7th Respondent: Mr.VR.Shanmuganathan

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner is a practising advocate and he filed this Writ Petition seeking such an omnibus prayer for issuance of a Writ of Mandamus, directing the Respondents 1 and 2 to take effective steps to fix a Separate Darshan Time Slot for VVIPs and VIPs, Senior Citizens, Physically Challenged People, Pregnant Women, Mothers with Infant, Medical Cases of Kidney Transplantation, Liver Transplantation, Open Heart Surgery, Dialysis, Brain Surgery, Cancer and Spine Surgery in the 3rd to 7th Respondents Temple and issue Darshan Time Slot token to all the General Darshan and Special Entry Darshan Devotees to avoid rush in the Darshan queue.



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2. In support of his prayer, Mr.T.Selvan, learned counsel appearing for the petitioner would submit that, in all important Temples in the State of Tamil Nadu, especially in the Temples of respondents 3 to 7, through out the year there are devotees crowd and during important days and festival days, the crowd will be enormous, some time several thousands and some time several laks of devotees.

3. In these respondent Temples, whenever this kind of sick people, physically challenged people go for Darshan, it become very difficult for them to take the Darshan of the God concerned, as they have to wait for several hours to reach near the sanctum sanctorum to have a Darshan of the God / Godess concerned.

4. Therefore, if some special arrangements are made for these sects of people, especially the sick people and physically challenged people, by giving a time slot to have a Darshan in these Temples, for which, if any arrangements are made by the first and second respondents, especially the second respondent HR & CE, that will be greatly helpful to these people, he contended.



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5. On the other hand, Mr.Veera Kathiravan, learned Additional Advocate General appearing for the respondents 1 and 2 on instructions would submit that insofar as such an omnibus clause prayer, as sought for by the petitioner, is concerned, it may not be workable, practically speaking, as these respondent Temples are very important Temples in the State and every such Temple woo large number of devotees every day throughout the year.

6. Apart from this, during the important days and festival days, from the point of view of worshipping the God and religious activities are concerned, there are thousands to lakhs of devotees being attracted in a single day by these Temples and therefore, in order to control the large crowd of devotees, then and there special arrangements elaborately being made by the HR & CE Department with all the wings of the State Government.

7. When that being so, insofar as the time slot is concerned, it depends upon the Temples and depends on the day on which such kind of Darshan is required for these people would be the matter and accordingly,

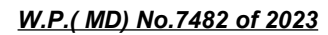


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then and there decisions would be taken by the HR & CE Department and being implemented. Hence, such omnibus prayer cannot be sought for by the petitioner and therefore, no such direction needs to be given as sought for in this Writ Petition to the respondents generally, he contended.

8. Heard Mr.K.Govindarajan, learned counsel appearing for the 3rd Respondent, Mr.M.Muthugeethaiyan, learned counsel appearing for the 4th Respondent, Mr.M.Saravanan, learned counsel appearing for the 5th Respondent, Mr.S.Ramesh, learned counsel appearing for the 6th Respondent and Mr.VR.Shanmuganathan, learned counsel appearing for the 7th respondent.

9. They all made submissions that these Temples are very important Temples in the State and as stated by the learned Additional Advocate General, each of these Temples are attracting more devotees every day and during the peak festival seasons in all these Temples lakhs and lakhs of devotees are thronging and they all want to have the glimpses of God / Goddess concerned on the auspicious day.



11. Some of the learned counsel also submitted before this Court that, in every Temple there are Six Kala Poojas being performed from early morning to till night and every time during the performance of Kala Poojas, the view to the devotees for the diety would be screened and this will be lasting between 30 and 45 minutes, depending upon the Temple and therefore, during this period no Darshan would be permitted.

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13. That apart, insofar as the festival seasons are concerned, the festival programmes as adopted by the HR & CE Department in respect of every Temple based on the Aagamam being followed therein and therefore, specific time slot has to be allotted for performing such poojas.

14. Therefore, depending upon these aspects only, permission to the devotees to have Darshan or to have a pooja or to have an Archana would be provided and it is being regulated based on the experience that the department and the temple authorities gained for all these years.

15. When that being the position, no rigid or fixed time slot or time frame can be made for having Darshan by sectorwise devotees, especially, the types of devotees that has been mentioned in the prayer in the Writ Petition, hence, this omnibus prayer sought for by the petitioner may not be practically feasible and therefore, the prayer sought for in this Writ Petition cannot be granted and no mandamus could be issued either to the HR & CE Department or to the Temple authorities of these Temples in violation of the already prescribed time slot and procedures which are being



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followed in these Temples, which already takes care of every sect of devotees, who are coming to these Temple, they contended.

16. We have considered the said submissions made by the learned counsel appearing for parties and perused the materials placed before this Court.

17. Though it was projected by the learned counsel appearing for the petitioner that, the physically challenged people and the sick people are to face difficulties in standing the queues for hours together to have a Darshan in these Temples and this should be made easy to them is concerned, certainly that kind of plea can be considered by the respondents, but at the same time whether a Mandamus can be issued by this Court to the temple authorities, especially the HR & CE as well as the temple authorities of these famous Temples in the State of Tamil Nadu, especially, the respondents 3 to 7 is concerned, we feel that, such a direction, if we give to the respondents, especially, the temple authorities to have a time slot to be allotted to each sector of the devotees, that will certainly create some confusion in the administration of the Temples.



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18. For instance, as stated by the learned counsel appearing for the Temples that, during the Kala Poojas, there would not be any Darshan for about half an hour to 45 minutes and after the screen is removed, there will be a huge crowd, who have already been waiting to have a Darshan, and at that time every devotee who come to the Temple who have been waited for hours together shall be permitted to have the Darshan.

19. Like that, during the festival season or festival days or festival period is concerned, during those days, as per the procedures to be adopted based on the Aagamas, depending upon the God or Goddess of the Temple concerned, several such poojas and functions are to be performed. Some times, Urchavams have to take place and festivals like Car festivals are to be undertaken. These are all the major events to be performed in these Temples. Therefore, when such functions are being undertaken by these temple authorities during those functions days or festival days more number of devotees certainly would come to the Temple to have the glimpses of the God during the auspicious time.



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20. For instance, in Madurai Meenakshiamman Temple, i.e., the 7th respondent Temple, during the Chithirai festival, two important festivals are performed. One such festival is that, the Meenakshi Kalyanam, during the particular period every devotee comes to the Temple wish to have the Darshan of Goddess Meenakshi at the time of the exact marriage being undertaken. Therefore, on such a huge festival day, necessarily special arrangements have to be made as a special day by the HR & CE Department and the temple authorities concerned with the help of various limbs of the State like revenue people, police people etc.

21. Like that, in the 4th respondent Temple viz., Subramaniaswamy Temple, Thiruchendur, is concerned, during the Tamil month of Aippasi, there would be a big festival called Soorasamkaram, where several lakhs of people gathered to have the glimpses of Soorasamkaram function, for which, elaborate arrangements have to be made every year by the temple authorities, HR & CE Department as well as the State Government through its District Administration.



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22. Apart from these kinds of important festivals being performed or conducted in these Temples, wherever there are Hindu Temples under the control of HR & CE Department located in the State of Tamil Nadu, every such Temple will have its special features. For instance, Mariamman Temples are located in various places of the State and in these kind of Mariamman Temples, in the Tamil month of Masi, Panguni as well as in the month of Aadi, lot of festivals are being performed, where, especially the local people in the nearby locality, villages as well as Town will come for the festivals in thousands of number.

23. In the third respondent Temple, during the Tamil month of Thai, there is a Thaipooasam festival as well as in the Tamil month of Panguni there is a Panguni Uthiram festival, where definitely there would be lakhs of devotees will arrive at the Temple to have a Darshan and participate in the festival. Therefore, these five Temples are concerned, they are the lead Temples in the State of Tamil Nadu and in respect of these Temples, already the crowd management is a big task for the HR & CE department and to their best of their ability, this Court feels that, they are taking effective steps to have effective crowd management i.e., to give



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facilities to every such devotee who comes to the Temple to have a hassle free Darshan before the important Deity of the Temple concerned.

24. When that being the position, if we further burden them by giving any direction by this Court to these temple authorities to make any time slot for every sect of people, that definitely would be not feasible to be implemented, that is what we honestly feel. Therefore, these kind of issues can be better given at the hands of the HR & CE Department as well as the temple authorities and since it is a sensitive issue also, from the point of view of devotees, no devotee can be deprived in front of the God at the cost of another devotee in any name or any capacity.

25. However, at the same time, insofar as giving facilitation for physically challenged people is concerned, their grievance is to be redressed by the temple authorities as well as the HR & CE Department and in this context, we feel that in each and every Temple, especially the respondent Temples herein are concerned, whenever such physically challenged people come to the Temple to have a Darshan or to participate in Poojas and if such



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kind of requests come from any such sector to the temple authorities, they must provide necessary facilities for those physically challenged persons to reach the Deity and to have Darshan freely in the sense hassle free Darshan without making them to wait for hours together, considering the physical status of those devotees.

26. In this context, the pregnant women also shall be given special care by making them to have quick Darshan in the Temple without asking them to wait in queues for hours together, as that will definitely cause some injury to their health conditions.

27. Apart from these aspects, in respect of other sector people are concerned, with the word 'sick people' is concerned, as the word sickness or sick people would have a larger connotation, we also feel that, more than 50 to 60% of the devotees who come to every Temple will claim the sickness card and they seek for previllage and time slot, therefore, that maynot be possible for the administration i.e., temple administration as well as the HR & CE department to give time slot for all sick people, except these two sectors, which we mentioned viz., physically challenged persons and



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pregnant women. Therefore, by taking into account of these totality of the situations, we are inclined to dispose of this Writ Petition with the following order:-

That insofar as the physically challenged devotees as well as the women pregnant devotees, who come to the Temple concerned of these respondent Temples as well as any other Temple under the control of the second respondent HR & CE Commissioner in the State of Tamil Nadu, are concerned, and seek the help of the administration of the Temple concerned, after having evaluated their plight, special arrangements can be made by the temple authorities to have a quick and hassle free Darshan of the Deity concerned. In this context after getting the views of the Executive Officer concerned of these Temples and major Temples in the State of Tamil Nadu, a Scheme can be framed by the HR & CE Department, for which the second respondent Commissioner shall take necessary endeavour. For framing of such a Scheme, only for these two sector of people to have a easy and quick Darshan, we feel that, some time frame can be fixed, within which, the second respondent Commissioner can frame a Scheme and publish it to the devotees. Twelve weeks time, we feel that would be appropriate for framing such a Scheme for implemendation after getting the views of the Temple



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authorities of these Temples as well as major Temples in the State of Tamil Nadu.

28. With these directions and observations, the Writ Petition is disposed of. However, there shall no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)

03.04.2023

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

To

1. The Principal Secretary,
Hindu Religious and Charitable Endowments Department,
Government of Tamil Nadu,
Chennai – 600 104.
2. The Commissioner,
Hindu Religious Charitable Endowments Department,
No.119 Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.



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K.K.RAMAKRISHNAN, J.

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