



W.P.(MD) No.9424 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.9424 of 2023

R.Sripathy Raj

... Petitioner

/vs./

1.The Commissioner,
Taminadu Hindu Religious and Charitable Endowments Board,
College Road,
Nungambakkam, Chennai -34.

2.The Joint Commissioner,
Taminadu Hindu Religious and Charitable Endowments Board,
Susidram,
Kanyakumari District.

3.The District Collector,
Kanyakumari District,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to appoint an expert member well versed in the principles of Kerala Thantric, Thachu Shastra and Vastu Shastra to oversee the Thirupani Work of Sri Bhagavathi Amman Temple,



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Mandaikadu Colachel, Kanyakumari District to ensure/suggest that the Thirupani Work is carried out as per the Deva Prashnam.

For Petitioner : Mr.D.Baskar
For R1 & R3 : Mr.P.Subbaraj
Special Government Pleader
For R2 : Mr.K.Sathiyasingh

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus directing the respondents to appoint an expert member well-versed in the principles of Kerala Thantric, Thachu Shastra and Vastu Shastra to oversee the Thirupani Work of Sri Bhagavathi Amman Temple, Mandaikadu Colachel, Kanyakumari District to ensure/suggest that the Thirupani Work is carried out as per the Deva Prashnam.

2.The petitioner, who is a resident of Thukkalai, Kanyakumari District, has preferred this writ petition for the reason that the Thirupani work in respect of Sri Bhagavathi Amman Temple in Mandaikadu Colachel, Kanyakumari District is not being done as per the Deva Prashnam that has taken place in the said temple.



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3.The facts which have led to the filing of the writ petition are herein below set out.

4.On 02.06.2021, a fire had broken out in the said temple and in this temple, the rituals that are followed are the Agamas practiced in the Kerala temples. After the fire, had engulfed the sanctum sanctorum in smoke, the devotees had requested for the conduct of a Deva Prashnam, which was also done to ascertain the cause for the accident. Accordingly, on 14.06.2021 and 15.06.2021, Deva Prashnam was conducted in the presence of the public servants, Devaswom Board members, Astrologer Srinath from Wayanad and Vishnu Namboodri, the former Melshanthi of Attukal Bhagavathi Amman temple. The Deva Prashnam revealed that the Naivedyam, which has been offered to the deity, was not pure and further, the temple premises were also not maintained in a clean state and the cloth (vastram) which was used to adorn the deity was also very dirty. It was only during this Deva Prashnam that the public had come to know that the persons, who are in-charge of the temple, were not following the traditions and customs as per Agamas.



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5.It was also informed that the temple tank was not properly maintained and the food items prepared in the kitchen has been sold without being offered as Neivetyam and several others shortcomings and practices contrary to the tradition were discovered. The persons, who participated in the Deva Prashnam, had undertaken and accepted that the revelations made in the Deva Prashnam would be rectified and implemented. It was also decided that the Thirupani work would be undertaken for renovating the temple. Donations have been received from the public and on 09.01.2022, the preliminary parikara pooja had taken place.

6.The petitioner's grievance is that the thirupani of the roof has not been carried out in keeping with the Thachu Shastra. The temple is a heritage temple. The petitioner would submit that he had sought details about the roof thirupani work. However, the same has not been provided to him. Therefore, he has been constrained to approach this Court.

7.Heard the learned counsels appearing on either side.



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8.Mr.K.Sathiyasingh, learned counsel for the second respondent would submit that there is absolutely no deviation from the dicta given by virtue of the Deva Prashnam.

9.Mr.D.Baskar, learned counsel for the petitioner would submit that the construction has not been carried out as per the minutes set out in the Deva Prashnam and further, they have not been taken the assistance of Tantri for the renovation work. He has also stated that the Tantri has himself addressed a letter to the respondents 1 and 2 that in order to ascertain as to whether the roof of the of the sanctum sanctorum is being constructed as per the Agamas, it is necessary that Tantri be consulted and in fact, he has not been consulted about the same and that apart, he has not been consulted about the poojas that precede the renovation.

10.From the arguments and a perusal of the papers presented, it is an admitted fact that the Deva Prashnam had been conducted and that certain instructions had been given. One of the main instructions that has been given is that the renovation/reconstruction and the poojas has to be done as per the Agamas and in keeping with the Thachu Shastra. These rituals definitely require



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the presence/inclusion of the Tantri. Therefore, the Writ Petition is disposed of with a direction to the second respondent to proceed with the further construction of the temple taking the assistance of the Tantri, namely, Sankaranarayana Iyer, Mandakadu Devasam, while proceeding with the Thirupani work of Sri Bhagavathi Amman temple, Mandaikadu and in keeping with the Deva Prashnam that has been held from 12.06.2021 onwards and there shall be no deviation from the above. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

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P.T.ASHA, J.

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