



W.P(MD)No.11808 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.11808 of 2023

and

W.P(MD)No.11695 of 2023

and

W.M.P(MD)No.10157 of 2023

W.P.(MD)No.11808 of 2023:-

P.S.Siva Swamy

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uttamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2.The District Collector,
Dindigul District.

3.The Superintendent of Police,
Dindigul District.

4.The Joint Commissioner / Executive Officer,
Arulmighu Dhandayuthapani Swamy Temple,
Palani, Dindigul District.

5.P.Sivanandham

... Respondents



W.P.(MD)No.11808 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents Nos.1 to 4 to administer the temple as per the custom and usage and agamas followed by the temple for a long period as per the HR and CE Act 1959 and do not create any poojas and festivals sidelined the main deity Lord Muruga for the personal interest of individuals and to take appropriate action against to prevent Saint Bogar Jayanthi Festival is being proposed to held on 18.05.2023 at Palani Hill temple by the 5th respondent and others based on the representation.

For Petitioner	: Mr.S,Dhayalan
For R1 to R3	: Mr.R.Baskaran Additional Advocate General Assisted by M/s.Farjana Ghoushia Special Government Pleader
For R4	: Mr.A.K.Sri Ram Assisted by Mr.R.Bharanidharan
For R5	: Mr.Raghavachari Senior Counsel for Mr.R.Subramanian

W.P.(MD)No.11695 of 2023:-

Sri Sivanandha Pulipani Swamigal ... Petitioner

Vs.

The Joint Commissioner / Executive Officer,
Arulmighu Dhandayuthapani Swamy Thirukovil,
Palani, Dindigul District. ... Respondent



W.P(MD)No.11808 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.1166/2023/A6, dated 02.05.2023 and quash the same.

For Petitioner : Mr.N.C.Ashok Kumar
For Respondent : Mr.A.K.Sri Ram
Assisted by Mr.R.Bharanidharan

COMMON ORDER

Heard Shri.V.Raghavachari and Mr.K.P.S.Palanivelrajan, learned senior counsel, Mr.R.Baskaran, learned Additional Advocate General, Mr.A.K.Sri Ram, R.Bharanidharan and Mr.V.P.Rajan, learned counsel for the appearing parties.

2.The question that arises for consideration is whether Pulipani Ashram is entitled to celebrate “Bogar Jayanthi” on 18.05.2023 at the hill top within the premises of A/M.Dhandayuthapani Swamy Temple, Palani. The stand of the Executive Officer of the temple is that the conduct of such an event is contrary to agamic norms and that it is an innovation.



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He had issued proceedings dated 02.05.2023 to that effect. Their validity is questioned by Pulipani Ashram in W.P.(MD)No.11695 of 2023. A public interest litigation has been filed by one P.S.Siva Swamy in W.P.(MD)No.11808 of 2023 in support of the stand taken by the temple administration.

3.After going through the materials on record, we are more than satisfied that at least for the last ten years, Bogar Jayanthi is being celebrated. The Joint Commissioner/Executive Officer of the Temple is not right in saying that Bogar Jayanthi celebration is proposed to be conducted for the first time in May 2023. It is generally believed by the Hindus that Bogar was one of the eighteen Siddhars and that he made the idol of Lord Dhandayuthapani Swamy with navapashanam. Bogar samadhi is also located at the hill top within the temple premises. Dispute arose between Pulipani Ashram and the temple administration as regards the management of Bogar sannadhi. Pulipani Madam filed O.S.No.105 of 1999 on the file of the Sub Court, Palani. The suit was dismissed on 22.02.2001. Questioning the same, first appeals were filed before the Additional District Judge, Dindigul. The First Appellate Court vide common judgment and decrees dated 23.06.2015 partly allowed the



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appeals and upheld the right of Pulipani Madam over Bogar sannadhi.

Clauses 4 and 5 of the decree made in A.S.No. 79 of 2001 read as follows:

“4. That it is declared that the plaintiff (Pulipani now in office) alone is entitled to be in sole management of the Bogar Samathi premises.

5. That the defendants be and are hereby restrained by an order of permanent injunction from any manner interfering with the right of management of Bogar Samathi premises in any way either by demanding one key of premises or by disturbing possession of the plaintiff (Pulipani now in office) and otherwise by introducing double locking system.”

4.We take judicial notice of the fact that there is a tradition of celebrating the birthdays of avathara purushas as “Jayanthis”. Bogar being one of the renowned sidhhars, there is nothing unusual about celebration of Bogar Jayanthi. Since his sannadhi/samadhi is located at the hill top, the jayanthi celebrations will have to necessarily take place there only. The Civil Court has recognized the right of Pulipani Ashram over Bogar sannadhi premises. Of course, the matter is pending before



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this Court in S.A.(MD)Nos.589 and 590 of 2015. The rights of the parties will abide by the outcome of the said appeals. The Bogar Jayanthi celebrations to be held on 18.05.2023 can very well be conducted by the head of Pulipani Ashram. The temple administration shall not interfere with the same. As undertaken by the petitioner in W.P.(MD)No.11695 of 2023, the event shall commence at 11.00 a.m. and conclude at 02.00 p.m. on 18.05.2023. The parties are clear that the said celebrations will be confined to what is now called as Bogar mandapam. Photographs enclosed in the typed set of papers indicate that abishegam for Maragatha Lingam and pooja for Bhuvaneshwari Amman would be performed on the occasion. It shall be done in the same manner as done on the previous occasions. The assembly of devotees outside Bogar mandapam / Bogar sannadhi shall be permitted.

5.These Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S.,J.] [S.S.Y.,J.]
11.05.2023

Index : Yes/No
Internet : Yes
NCC : Yes/No
ias
Issue order copy on 12.05.2023.



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WEB COPY

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uttamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
- 2.The District Collector,
Dindigul District.
- 3.The Superintendent of Police,
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G.R.SWAMINATHAN, J.

AND

S.SRIMATHY, J.

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and

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11.05.2023