



W.P.(MD)No.29182 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.29182 of 2023

M.Seetharaman

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Road,
Nungambakkam,
Chennai.

2.The Executive Officer/Joint Commissioner,
Arulmighu Subramania Swamy Temple,
Tiruchendur,
Thoothukudi District.

3.The Chairman,
Board of Trustees,
Arulmighu Subramania Swamy Temple,
Tiruchendur,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus, directing the



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respondents to take action to remove the irregularities in the pooja, pooja services and pooja time schedule pointed out in the petitioner's representation dated 13.10.2023 to the respondents.

For Petitioner : Mr.G.Rajaraman
For R1 : Mr.P.Subba Raj
Special Government Pleader
For R2 : Mr.Muthu Geethaiyan

ORDER

The petitioner, who is a Thirusudhanthirarkal (Archakar) performing pooja service to the Lord Subramaniaswamy Temple, Tiruchendur has filed this writ petition for a Mandamus, directing the respondents to take appropriate action to remove certain irregularities in the pooja, pooja services and pooja time schedule by considering the petitioner's representation.

2.The petitioner has filed this writ petition on the following grounds:-



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- i. The temple is being opened at 5.00 a.m. Therefore, the archakars found it difficult in doing Kala poojas in the traditional time schedule. Hence, the opening of the temple has to be rescheduled to 4.00 a.m.
- ii. It is the traditional practice to purchase sandal wood from the Forest Department and sandal powder had been prepared by grinding the dried sandal wood. The original sandal powder had been used for santhana kappu to the main deity. However, the temple administration is purchasing some country woods for performing santhana kappu.
- iii. Preparation of panneer for Abishekam is being done by way of mixing rose essence with ordinary water instead of utilizing a machine, which was donated by one of the devotees exclusively for making panneer from roses.
- iv. The traditional practice of providing free food (Annadhanam) for temple servants is stopped without any reasons.



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3. Since the petitioner has made serious allegations as against the temple administration, this Court, by order dated 11.12.2023 has ordered notice to the respondents. In response to this writ petition, the respondents have filed a report for each and every allegations, which are as under:-

i. **Temple Opening Time:-** The poojas for main deity are performed in the form of Tantric method of pooja and therefore, no Agama pooja method is adopted in the temple. In ordinary days, the temple is being opened at 5.00 a.m and remained open till 9.45 p.m and as in other temple, there is no practice of closing the temple during afternoon. During festival time, the temple will be opened at 1.00 a.m in the morning. In the month of Margazhi, the temple would be opened at 3.00 a.m.

ii. **Purchase of sandal wood for santhana kappu:-** The temple administration is used to purchase 200 kilograms of sandal from Forest Department for doing santhana kappu for main



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deity. For this year, a request was made on 05.12.2022 to the Forest Department, based on which, the first respondent has also sent a communication to the Forest Department on 21.03.2023. The application submitted for the supply of 200 kilograms of sandal wood for the deity has been misplaced during the shifting of the office of the Principal Chief Conservator of Forest, Chennai from Panagal Malligai, Saidapet to Guindy-Velacherry, Near Kannikapuram, Chennai and hence, there was some delay in the procurement process. On receipt of notice from this Court, the Joint Commissioner has reminded the Officer concerned for the supply of sandal wood. Thereafter, the papers have been traced out and forwarded to the Chief Conservator of Forest on 12.12.2023 along with the recommendation for the supply of 200 kilograms of sandal wood for the deity. Now, the application is pending with the Additional Chief Secretary to Government, Environment, Climate Change and Forest



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Department for issuance of necessary Government Order.

Since the HR & CE Department is following up with the Forest Department, they would get Government order within a reasonable time.

iii. **Non-usage of Machine for making paneer:** During COVID-19 period, one of the devotees has donated the machine, which is used for making paneer. At that relevant point of time, the Temple administration has not utilized the machine due to non-availability of paneer roses. Now, they have made arrangements for the purchase of paneer roses from the available markets and the machine is being utilized for preparation of paneer.

iv. **Free food for temple servants:** The temple administration is providing free food (Annadhanam) to not lesser than 10000 devotees during festival time and in ordinary days, not lesser than 1000 devotees are having free food from the temple. The temple authorities are not preventing any body to have free



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food provided by the temple administration.

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4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Considering the allegations made by the petitioner/ Archakar of Arulmighu Subramania Swamy Temple Tiruchendur, Thoothukudi District as against the temple administration, this Court has ordered notice to the respondents. The respondents have also filed a detailed report rebutting the allegations made by the petitioner. As per the report, in ordinary days, the temple is being opened at 5.00 a.m and remained open till 9.45 p.m. During festival time, the temple will be opened at 1.00 a.m in the morning. In the month of Margazhi, the temple would be opened at 3.00 a.m. When the petitioner has not raised any objection for opening of the temple at 1.00 a.m and 3.00 a.m during festival time and also in not closing the temple in the afternoon as followed in other temple, he is disputing the opening time of the



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temple at 5.00 a.m alone and the same is not acceptable one. The temple administration claims that Tantric method of poojas are performed in the temple and therefore, there is no Agama pooja method is adopted in the temple. With regard to the procurement of sandalwood for santhana kappu for deity, the respondent HR & CE Department has made earnest efforts and after receipt of notice from this Court, it appears that the application made in the month of December 2022 has been followed up and an order of recommendation has been obtained from the Chief Conservator of Forest. However, necessary Government order has to be issued by the Secretary to Government, Environment, Climate Change and Forest Department. Insofar as non-usage of machine for preparing panneer is concerned, the temple administration has agreed that the machine, which was donated by one of the devotees for making panneer for Abisekam of deity has not been used due to non-availability of panneer roses. Now, the temple administration has taken necessary steps for procuring the panneer roses from the available markets. In respect of free food for



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servants, the temple is providing free food (Annadanam) to not less than 1000 devotees on daily basis and during festival time, 10000 devotees are benefited by the Annadanam provided by the temple. While so, the grievance of the petitioner that the temple servants are not provided with the free food is not acceptable.

6.Accordingly, this writ petition is dismissed. No costs.

18.12.2023

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

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B.PUGALENDHI, J.

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