

In the High Court of Judicature at Madras

Dated: 19.06.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No. 17566 of 2015
and M.P. No.1 of 2015

Dr. Kumari Anandan

.. Petitioner

vs.

1. The State of Tamil Nadu
Rep. by its Secretary to
Government of Tamil
Nadu, Revenue Department
Fort St. George, Chennai-600 009.

2. The District Collector
Dharmapuri District.

3. The president Papparapatti
Panchayat Union
Dharmapuri District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to put up construction of "Bharatha Matha Temple" in the lands purchased by freedom fighter Thiru.Subramaniya Siva, presently under the control of the 1st respondent in R.S.No.189, R.S.No.191, R.S.No.192, Avani Onnapakkavundanahalli Village, Papparapatti Selection Grade Town Panchayat, Dharmapuri Taluk, measuring an extent of 6.27 Acres.

For Petitioner : Mr. R. Gandhi, Sr. Counsel
Mr. R.G. Narendhiran

For Respondents: Mr. V.R. Kamalanathan
Addl. Govt. Pleader.

O R D E R

(Made by The Hon'ble The Chief Justice)

The petitioner, a Gandhian, Legislator and Parliamentarian, seeks the relief of mandamus from this Court to establish a Bharatha Matha Temple on the land which was originally purchased by freedom fighter Thiru.Subramaniya Siva, which land is stated to be under the control of the first respondent/State Government in R.S.Nos.189, 191 and 192, Avani Onnapakkavundanahalli Village, Paparapatti Selection Grade Town Panchayat, Dharmapuri Taluk, measuring an extent of 6.27 Acres.

2. It is the say of the petitioner that Thiru.Subramaniya Siva, who is a freedom fighter, had purchased this land with the very objective of establishing a temple for Bharatha Matha, as it would be apparent from the deed of purchase, where he had mentioned the very purpose, while mentioning his religion as Bharat and his caste as Bharatiya.

3. Bharatha Matha image was stated to have been formed during the period of Indian independence movement for the first time in a play written by Kiran Chandra Banerjee, which was performed in 1873. The object was to create a nationalist feeling during the freedom struggle, obliterating the divisive part of the religion and caste. Mr.Chitha Rajandas, the mentor of Nethaji Subash Chandra Bose, was stated to have laid the foundation on 22.06.1923 for construction of such a temple at the site, but the project could not materialise due to the imprisonment and ill-health of Thiru.Subramaniya Siva, who passed away on 23.07.1925. A Bharatha Matha temple was stated to have been inaugurated by Mahatma Gandhi, Father of the Nation in 1936 at Kashi University "to serve as a cosmopolitan platform for people of all religions, castes and creeds including Harijans, which will go a great way in promoting religious unity, peace and love in the country."

4. It is stated that the land at present has been utilised by constructing a Memorial Hall in honour of the Freedom Fighter Thiru.Subramaniya Siva. However, the dream of setting up a Temple of Bharatha Matha remains unfulfilled. The petitioner is stated to have played a lead role in various representations, marches, etc. to persuade the authorities to construct such a temple, for which land is available.

5. The say of the petitioner is that either the Government may construct the Temple or even the residents of the area are willing to contribute for such construction, provided the Government spares the land and despite their funding, it would remain with the Government.

6. We may notice that unfortunately, the representations of the

petitioner have received no response from the respondents. We wonder why such a project has not been implemented either through Government funding or through contributory measures. It is trite to say that such a measure would help in establishing an element of unity cutting across divisive agendas which arise on account of misinterpretation of caste and religion. We do believe that it is in the fitness of things, the Government may consider this project and we call upon the Chief Secretary, State of Tamil Nadu to examine the records, representations and all materials in this behalf and take a considered decision by passing a proper reasoned order within a maximum period of two months from the date of communication of the order.

7. The decision be communicated to the petitioner.

8. The writ petition accordingly stands closed. No costs. Consequently, M.P. No. 1 of 2015 is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ATR

Copies to;

1. The Chief Secretary to the Government
Fort St. George, Chennai-4.
2. The Secretary to Government of Tamil Nadu
State of Tamil Nadu
rep. by its Revenue Department
Fort St. George, Chennai-600 009.
3. The District Collector
Dharmapuri District.
4. The President
Papparapatti Panchayat Union
Dharmapuri District.

+1cc to Mr.R.G. Narendhiran, Advocate, S.R.No.30093
+1cc to the Government Pleader, S.R.No.30244

KK(CO)
EU(01/07/2015)

W.P. No. 17566 of 2015