

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18042 of 2015

And

M.P.No.1 of 2015

C.Mohanraj @ Mohankumar

... Petitioner

Vs.

- 1 The Joint Commissioner
Hindu Religious & Charitable Endowment
Department Dr. Balasundaram Road
Coimbatore-18.
- 2 The Assistant Commissioner /
Executive Officer A/m. Shri Sangameswarar
Thirukovil Kooduthurai Bhavani Erode
District.
- 3 The Assistant Commissioner
Hindu Religious & Charitable Endowments
Department Erode.
- 4 The Inspector of Police
Bhavani Police Station Erode District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioner right to perform Parikaram and Purohitam at Kooduthurai outside the compound wall of Arulmighu Sangameswarar Thirukovil, Bhavani in compliance with the decision of this Honourable Court in Ponnudurai case reported in 2013 (2) CWC 540 by considering his representation dated 16.02.2015.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.M.L.Mahendran for R1 and R3
Government Advocate
Mr.Rm.Muthukumar for R4
Government Advocate

O R D E R

By consent the writ petition is taken up for final disposal.

2.The petitioner claims to be "Purohitar" performing various religious rituals and poojas at Kooduthurai in Bhavani which is called "Triveni Sangamam of the South". The petitioner would further state that originally such rituals were performed by people belonging to "Brahmin Community" and as of now people belonging to other communities are also performing such rituals. Since the officials of Hindu Religious and Charitable Endowment Department "HR & CE" started interfering with the said functions of Purohitars, some of them aggrieved by it filed W.P.No.22234 of 2005 batch etc., and this Court has passed final orders dated 19.12.2009 holding that if such religious rituals are performed outside the premises of the temple, then it is not open to the Temple Authorities to insist the concerned Purohitars from executing any agreement and the jurisdiction of the concerned Temple is registered only to the area which are under its control and does not extend to public place where anyone is free to progress his or her profession so long as it is lawful and the Temple Authorities, has to maintain purity and sanctity only inside the Temple, thereby restrained the Temple Authorities from interfering with such functions of these people.

3.It is the specific case of the petitioner that he is performing religious festivals only at Kooduthurai, Bhavani which does not fall within any of the Temple preceding/ premises and therefore the respondents cannot interfere with the same and in this regard submitted detailed representations dated 16.02.2015 and 17.02.2015 and inspite of receipt of the same, his act of performing the religious rituals came to be interfered by the official respondents and therefore, came forward to file this writ petition.

4. learned counsel appearing for the petitioner has drawn the attention of this Court to the above cited judgment reported in 2013 (2) CWC 540 and submitted that in similar facts and circumstances, this Court has restrained the Temple Authorities from interfering in performing of such acts by the petitioners therein and in W.P.No.6870 of 2015 also, this Court has granted interim orders and hence prays for appropriate orders.

5.This Court heard the submissions of Mr.N.Manokaran, learned counsel appearing for the petitioner, Mr.M.L.Mahendran, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 3 and Mr.Rm.Muthukumar, learned Government Advocate, who accepts notice on behalf of the fourth respondent.

6.This Court in the above cited judgment reported in 2013 (2) CWC 540 (Ponnudurai Vs. The Commissioner, HR & CE Administration Department), in paragraph no.12 has observed as follows:

"12.I do not find the said plea of the Temple can be sustained herein, for the simple reason, that the Petitioners herein averred categorically that they are not performing any of the religious rites inside the Temple; that the performing of the same is only in Kooduthurai, in river banks on the confluence of rivers, which is away from the Temple. If that be so, I do not find any justification in the Temple insisting on the Petitioners like Purohits executing any Agreement as a chit of good behaviour. It is to be noted that the jurisdiction of the 5th Respondent is restricted only to those areas, which are under its control and does not extend to the public place, where any one is free to practice his/her profession so long as it remained lawful. The mere fact that the Petitioners have passed the test conducted by the 5th Respondent, hence, does not mean that the Petitioner has to subscribe to an Agreement to be executed at the instance of the 5th Respondent by paying security amount demanded by the 5th Respondent. If really the 5th Respondent has anxiety to maintain the purity and sanctity of the Temple premises and that there are no untoward incident happening inside the Temple premises creating law and order problem or if any individual commits an act of violence disturbing the peace inside the Temple; it is always open to the Temple authorities to take the assistance of the Police to bring order inside the Temple, but on the score of maintaining purity and sanctity inside the Temple, it is not for the authorities to issue a mandate to the persons outside the Temple to subscribe to the Agreement provided by the Temple Authorities."

7.In the light of the claim made by the petitioner that he is performing the religious festivals only at Kooduthurai in Bhavani which is called Triveni Sangamam of the South, the third respondent is directed to consider the representation dated 16.02.2015 in accordance with law after taking note of the above cited judgment and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1 The Joint Commissioner
Hindu Religious & Charitable Endowment
Department Dr. Balasundaram Road
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 - 2 The Assistant Commissioner /
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 - 3 The Assistant Commissioner
Hindu Religious & Charitable Endowments
Department Erode.
 - 4 The Inspector of Police
Bhavani Police Station Erode District.
- 1 cc to Mr.N.Manokaran, Advocate, Sr. 31094
1 cc to Government Pleader, Sr. 31274

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SV (CO)
EU 08.07.15

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