

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.15966 of 2017

and

W.M.P.No.17268/2017

S.Ranganathan

... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai.

2. The Managing Trustee,
Arulmighu Agatheeswarar Prasanna,
Venkatesa Perumal Koil,
Nungambakkam, Chennai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus forbearing the respondents, their men, agents or subordinates from performing Samrokshanama for Arulmighu Prasanna Venkatesa Perumal temple, Nungambakkam, Chennai, as it is against Agama Principles which is scheduled on 28.06.2017.

For Petitioner : Mr.S.Sithirai Anandam

For Respondents : Mr.Maharaja,
Special Government Pleader
(HR & CE)

ORDER
[Order of the Court was made by M.SUNDAR, J.,]

The writ petitioner has filed the above writ petition for issuance of a writ of mandamus to forbear the respondents, their men, agents or subordinates from performing Samrokshanama for Arulmighu Prasanna Venkatesa Perumal temple, Nungambakkam, Chennai, as it is against Agama principles which is scheduled on 28.06.2017.

2. This writ petition has been filed with a prayer seeking to mandamus the respondents before us, viz., the Commissioner, Tamil Nadu Hindu Religious and Charitable

Endowment Department [wrongly shown as Hindu Religious and Charitable Endowment Board which is not in existence any more] and the Managing Trustee of Arulmighu Agatheeswarar Prasanna Venkatesa Perumal Koil, Nungambakkam, Chennai [hereinafter referred to as "the said temple"] forbearing them from performing Samrokshanama for the said temple.

3. The case of the writ petitioner is that the proposed performing of Samrokshanama is in violation of Agama principles as would be evident from the prayer. The prayer also discloses that Samrokshanama is scheduled to be held on 28.06.2017.

4. The prayer of the writ petitioner which has been set out adverbatis supra in this order is to be noted.

5. The writ petitioner has alleged that Samrokshanama of the temple used to be performed once in twelve years ; whereas, now hardly within five years, the 2nd respondent is proceeding with Samrokshanama, which, according to the writ petitioner, is against Agama Rules.

6. The writ petitioner has attempted to give legal colour to his complaint by alleging that the same is in violation of Articles 25 and 26 of the Constitution of India. [hereinafter "COI" for brevity].

7. We have noted paragraph No.10 at page No.6 of the affidavit filed in support of this writ petition. We have also noted the representation dated 25.05.2017 given by the writ petitioner, which has been annexed at page No.3 of the typed set of papers.

8. A perusal of the writ affidavit and the said representation in the typed set of papers would reveal that there is no whisper about the Agamas or Agama principle.

9. In the course of the hearing, this being a Vaishnavite temple, we wanted to know whether Vaikanasa Agamam or Pancharathna Agamam is being followed in the said temple. We also specifically wanted to know this, as the petitioner is alleging violation of Agama principles and there is no whisper even about this basic aspect of the Agamas either in the affidavit or in the representation. The learned counsel for the petitioner was unable to tell us which Agama is applicable to the said temple.

10. Owing to all that have been alluded to supra in the preceding two paragraphs, we find that the writ petitioner has not made out a case of infraction of any of the Articles of the COI, much less Articles 25 and 26.

11. The learned counsel drew our attention to Rule 54 of the Management and Preservation of Properties of Religious

Institutions Rules, being the Rules made under the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 [Tamil Nadu Act 22 of 1959 - hereinafter referred to as "the HR&CE Act" for brevity]. The said rule has obviously been made under the Rule making power in the Parent Act, being section 116. It is the case of the writ petitioner that Thiruppani Committee as envisaged in Rule 54, has not been constituted.

12. Mr.M.Maharaja, learned Special Government Pleader [HR&CE] accepts notice on behalf of the 1st respondent. He would submit that the Department has taken adequate and ample advise on Agamas from the experts in the field before fixing the Samrokshanama on 28.06.2017.

13. With regard to the constitution of Thiruppani Committee, the learned counsel appearing for the petitioner is unable to show anything to us that the said Committee is necessarily to be constituted before Samrokshanama. All that the petitioner would contend is that while Samrokshanama was being conducted once in twelve years, it is now being suddenly sought to be conducted within five years.

14. In the light of the submissions of the learned Special Government Pleader [HR&CE] appearing on behalf of the 1st respondent that adequate and ample advise has been taken from the Agama Experts in the field and in the light of the fact that the writ petitioner is not able to show any Agama violation whatsoever, we are not inclined to interfere in this matter.

15. Owing to all that have been stated supra, we dismiss the writ petition. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai.

+1cc to Mr.S.Sithirai Anandam, Advocate, S.R.No.44598

+1cc to the Government Pleader, S.R.No.44957

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CS V

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