



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.04.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.10044 of 2018
and
W.M.P(MD)No.9172 of 2018

A.Muruganantham ... Petitioner
Vs.

- 1.The Registrar General,
Madras High Court,
Chennai.
- 2.Hon'ble District Judge,
Madurai District Court,
Madurai.
- 3.The Commissioner,
HR & CE Department,
Chennai.
- 4.The Joint Commissioner,
HR & CE Department,
Madurai.
- 5.The President,
Madurai Bar Association,
District Court Campus,
Madurai.
- 6.The Secretary,
Madurai Bar Association,
District Court Campus,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein not to grant any permission to conduct any religious festival within the premises of District Court campus now and in future.

For Petitioner	: Mr.D.Veerasekaran
For respondents	: Mr.R.Aravindhnan
	for R-1 & R-2
	Mr.V.R.Shanmuganathan
	Special Govt. Pleader
	for RR-3 and 4
	Mr.Veerakathiravan
	Senior counsel for
	Mr.V.B.Sundareshwar
	for RR-5 & 6

ORDER

(Order of the Court was made by M.DURAISWAMY, J.)

The petitioner has filed the above writ petition to issue a writ of mandamus, directing the respondents 1 to 4 not to grant any permission to conduct any religious festival within the premises of District Court campus now and in future.

2. According to the petitioner, he is holding the post of the District Secretary of Dravidar Kazhagam, Madurai and there was a paper publication in Tamil Newspaper Dinakaran on 23.04.2018, from which the petitioner came to know that on 29.04.2018, during the Kallalagar festival at Madurai, the District Bar Association was proposed to have a Mandagapadi i.e the place where Kallalagar deity visits for conducting poojas within the District Court campus and for the same, a resolution has been passed by the District Bar Association on 09.04.2018 and as a consequential order, the Joint Commissioner, Hindu Religious and Charitable Endowments Department has also passed an order, confirming the Mandagapadi arrangement inside the District Court Campus and permitting for the same. Further, the petitioner contended that the said resolution and the consequential order passed by the Joint Commissioner, Hindu Religious and Charitable Endowments Department is in violation of the provisions of Constitution of India. Since our country is a secular country and the same was emphasized in the Constitution and since the Kallalagar festival is celebrated by specific religion and in such case, passing resolution by District Bar Association for conducting festival, which was acknowledged by the Joint Commissioner, Hindu Religious and Charitable Endowments Department is a pure violation of Constitution. If the present function is permitted to be conducted, the same will have great discrimination on other religions and it will lead to domination of particular religion in future.

3. The fourth respondent, Joint Commissioner, Hindu Religious and Charitable Endowments Department, filed his counter, wherein, he has questioned the locus standi of the writ petitioner to file the writ petition. In the affidavit filed in support of the writ petition, the petitioner has not stated that he is filing the writ petition as pro bona publico. In paragraph No.4 of the counter filed by the fourth respondent, the fourth respondent has specifically stated that the request made by the Bar Association, dated 03.04.2018 was forwarded by the Principal District Judge, Madurai to the Deputy Commissioner/Executive Officer, Hindu Religious and Charitable Endowments Department on 04.04.2018 and the said request was considered by the Fit Person of the temple on 09.04.2018 and a resolution was passed to that effect that the request of the Madurai Bar Association shall be accepted without receipt of any donation and the Mandagapadi shall be on the western side and outside the District Court campus in front of entrance to Race Course ground. Based on the said resolution, Madurai Bar Association had paid its yearly Mandagapadi Kattalai amount on

20.04.2018. The fourth respondent has specifically stated that the place identified for visit of Arulmigu Kallagar is outside the District Court campus and not within the District Court campus or in the alleged news published in the newspaper. The fourth respondent has also stated that the District Court administration has nothing to do with the aforesaid Mandagapadi and it was granted only in favour of Madurai Bar Association.

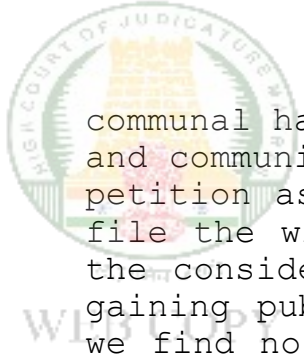
4.Mr.V.R.Shanmuganathan, the learned Special Government Pleader appearing for the respondents 3 and 4 also submitted that the deity shall not enter the District Court campus and the place of Mandagapadi, which is identified for visit of Kallalagar is only outside the District Court campus. That apart, the learned Special Government Pleader also submitted that Arulmigu Kallalagar is proceeding in the regular fixed route and there shall not be any deviation in the route at any point of time.

5.The petitioner has also produced the Mandagapadi receipt, dated 20.04.2018, wherein also, it has been stated that the place of Mandagapadi is on the western entrance of the District Court campus. The receipt does not say that the deity would enter the District Court campus. When the place of Mandagapadi has been fixed outside the District Court campus, the filing of the writ petition by the petitioner stating that the deity would enter the District Court campus is totally without any basis whatsoever. That apart, in spite of producing the Mandagapadi receipt, the petitioner chose to file the writ petition, making false averments to the effect that the deity is entering the District Court campus.

6.We have also orally directed the Additional Registrar General of Madurai Bench of Madras High Court, Madurai, to get instructions from the Principal District Judge, Madurai as to the issue involved in the present writ petition. On instructions, the Additional Registrar General, submitted that the Principal District Judge, Madurai has only forwarded the request made by the Bar Association to the Deputy Commissioner/Executive Officer, Hindu Religious and Charitable Endowments Department on 04.04.2018 and that he has not granted any permission.

7.Mr.Veera Kathiravan, learned senior counsel appearing for the respondents 5 & 6 also submitted that the respondents 5 and 6 did not request the authorities, seeking permission to have the Mandagapadi inside the court campus. That apart, the learned senior counsel submitted that the averments made in the affidavit filed in support of the writ petition are totally false to the knowledge of the petitioner. The petitioner has filed the writ petition, even without ascertaining the real facts, prior to the filing of the writ petition by making averments and allegations against the authorities in the affidavit filed in support of the writ petition.

8.From the above, it is clear that the writ petitioner has made mischievous allegations, which would affect the religious and



communal harmony among the general public belonging to all religions and communities. Since the petitioner has not filed the above writ petition as a public interest litigation, he has no locus standi to file the writ petition in his personal capacity. Hence, we are of the considered view that the writ petition has been filed only for gaining publicity and for no other reason. In these circumstances, we find no merits in the writ petition. Since the writ petitioner has unnecessarily filed the writ petition for the purpose of publicity and also made false averments in the affidavit, we are imposing a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as costs.

9. Accordingly, the writ petition is dismissed with costs of Rs.25,000/- to be paid to all the respondents. The petitioner should pay the cost amount within a period of two weeks from today. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar General,
Madras High Court,
Chennai.
2. Hon'ble District Judge,
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3. The Commissioner,
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4. The Joint Commissioner,
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Madurai.
5. The President,
Madurai Bar Association,
District Court Campus,
Madurai.
6. The Secretary,
Madurai Bar Association,
District Court Campus,
Madurai.



+1cc to M/S.M.Siddharthan, Advocate SR.No. 63983

+1cc to M/S.V.B.Sundareshwar, Advocate SR.No. 63930

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W.P (MD) No.10044 of 2018
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vs

JM/SV MMS/SAR 4/28.04.2018/5P/9C