

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.A.Nos.284 and 808 of 2013
and
M.P.No.1 of 2013 and 2 of 2013
in
W.A.No.284 of 2013

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Mahathma Gandhi Road,
Nungambakkam,
Chennai-600 034

2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thiruvannamalai.

3. The Inspector
Hindu Religious and Charitable
Endowments Department,
Thiruvannamalai

... Appellants in
W.A.No.284 of 2013

C.M.Sivababu

...Appellant in
W.A.No.808 of 2013

Nithyananda Dhyanapeetam,
Thiruvannamalai Branch,
Adi Annamalai,
Thiruvannamalai District,
rep.by its Manager,
Dr.Sri Nithya Pranananda

... Respondent in
W.A.No.284 of 2013

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
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Nungambakkam,
Chennai-600 034

2. The Assistant Commissioner,
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Endowments Department,
Thiruvannamalai.

3. The Inspector
Hindu Religious and Charitable
Endowments Department,
Thiruvannamalai

4. Nithyananda Dhyanapeetam,
Thiruvannamalai Branch,
Adi Annamalai,
Thiruvannamalai District,
rep.by its Manager,
Dr.Sri Nithya Pranananda

... Respondents
in W.A.No.808 of 2013

Writ Appeals filed under Clause 15 of the Letters Patent
against the order dated 30.01.2013 passed in W.P.No.30063 of
2012 on the file of this Court.

W.P.No.30063 of 2012:

Petition is preferred under Article 226 of the Constitution
of India praying for the issue of a Writ of Certiorari to call
for the records relating to the impugned communication issued by
the Second Respondent herein his proceedings Na.Ka. No.
2413/2012/Aa1 dated 11.10.2012 and quash the same.

For Appellants in : Mr.M.Maharaja,Spl.G.P.
W.A.No.284 of 2013 Addl. Govt. Pleader (T)

For Appellant in Mr.J.Ashok
W.A.No.808 of 2013

For Respondent in Mr.Arvind Subramaniam,
W.A.No.284 of 2012 Sr.counsel for
Mr.J.Elayaraja

For Respondents in Mr.M.Maharaja,Spl.G.P. For
W.A.No.808 of 2013 HR & CE (R1 to R3)

Mr.Arvind Subramaniam
Senior counsel for
Mr.J.Elayaraja for R4

COMMON JUDGMENT
(Delivered by The Hon'ble Acting Chief Justice)

In pursuance of the last order dated 22.10.2019, the HR & CE Department have carried out fresh Inspection of the Religious Place of the premises in question and they filed a fresh Report today i.e. 08.11.2019. The relevant extract of the said report of Ms.A.Jancirani, Assistant Commissioner, HR & CE Department, Thiruvannamalai, who is present in this Court, is quoted below for ready reference:

"7)It is submitted that the Ashram also has a large Kitchen area with many utensils (big & small) which is capable of preparing food for more than 500 people at once. Near the Kitchen there is also a Library and rooms for the Ashram members to stay.

8)It is submitted that the Officers had enquired the present Manager of the Ashram however no information could be obtained, since it was divulged by the manager that he was appointed only recently and the finance for the Ashram, Administration, Annadhanam (Free Meals) expenses and other administrative works are being done directly by the Head in the Bangalore Ashram and it was further divulged by the Manager that no funds/donations are collected by the Ashram.

9)It was further divulged by the Manager that during the festival of Karthigai, Chitra Pournami and the monthly Pournami's there will be huge crowd and more than 1000 devotees will be provided with free meals (Annadhanam). Further, during the regular/normal days the devotees and Sadhus will be given free meals near the room situated in the main entrance.

10)It is most humbly submitted that during the Inspection it was clear that there is no consecration of Idol in the Ashram and there is no Idol Worship there. Only the Idol of Nithyanandha is there in the Ashram. The photographs is enclosed herewith and it is prayed to be treated as part and parcel of this memo.

It is therefore most humbly prayed that the Hon'ble Court may be pleased to accept the memo filed by the 2nd respondent herein and pass such and other orders as deemed fit and thus render justice."

2.In view of the findings upon the fresh Inspection that there are no Idols of the God Deity is installed at the said place, the respondent-HR & CE Department submitted that it is not a Temple, falling within the domain or control or jurisdiction of the HR & CE Department. In view of this, we close these Writ Appeals recording the aforesaid Report and with liberty to the HR & CE Department that in case any such Idols are again set up by any party with consecration, the HR & CE Department is free to take any action in accordance with Law. No costs. Connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

msk

To

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2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thiruvannamalai.

3.The Inspector
Hindu Religious and Charitable
Endowments Department,
Thiruvannamalai

+1 CC to Mr.J.Ashok, Advocate sr 93122

+2 Ccs to Mr. Elayaraja, Advocate sr 93276.

+1 CC to The Spl. Govt. Pleader sr 93872.

W.A.Nos.284 and 808 of 2013

CP(CO)

SP(20/11/2019)