



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM

WEB COPY

THE HONOURABLE DR.JUSTICE ANITA SUMANTHW.P(MD)No.16500 of 2019
and W.M.P(MD) No.13151 of 2019

Manikandan

... Petitioner

Vs.

The Joint Commissioner/
Executive Officer,
Arulmighu Meenakshi Amman Temple,
Madurai.

..Respondent

PRYAER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari to call for the records of the impugned order passed by the respondent in Na.Ka.No.211/2011/A3 dated 14.07.2019, quash the same.

For Petitioner : Mr.RM.Arun Swaminathan
For Respondent : Mr.V.R.Shanmuganathan

ORDER

The writ petitioner holds a certificate issued by the Department of Tourism to the effect that he is employed as Tamilnadu Tourist Guide.

2. An allegation is made against the petitioner that on 12.07.2019, a person, claiming to be a Reporter of a magazine, had come along with a Editor of a newspaper for worshipping the deity in the Arulmighu Meenakshi Amman Temple. According to the petitioner, he had only guided the visitors over to the Temple staff. However, on the same day, the impugned order came to be issued alleging that he had received consideration from the visitors to facilitate their Temple entry unauthorizedly.

3. According to the petitioner, the respondent has no authority to pass the impugned order. He relies on Rule 8 of the Tamil Nadu Temple Entry Authorisation Act, 1947, (in short 'Act') extracted below:

'The temple buildings and premises shall not be used for purposes not connected with or arising from the worship, usages and observations of such temples.'

4. He denies having done anything that is contrary to the worship, usages and observations of the Temple. He also points out that there is no complaint made by anyone to substantiate the



allegations levelled against him. Since the impugned order casts a blanket ban on the entry of the petitioner into the Temple, he claims to be very distressed by virtue of not being able to enter the Temple as a devotee.

5. Mr.V.R.Shanmuganathan, learned counsel, who accepts notice on behalf of the respondent, straight away and fairly concedes that the ban imposed on the activities of the petitioner/his entry into the Temple may be read and construed only *qua* the commercial/other activities of the petitioner (as a tourist guide) and not *qua* entry as a devotee.

6. Thus impugned order dated 14.07.2019 will be read, as imposing a ban on the entry of the petitioner into the Temple for all purposes except as a devotee. The petitioner is at liberty to enter the Temple and offer worship to the Deity therein.

7. On merits, learned counsel for the respondent draws attention to the provisions of Sections 5(iii), 8 and 11 of the Act that according to him, buttress the impugned order. The provisions are extracted below:

5(iii) do any act which is opposed to custom or established usage of the temple or would tend to derogate from the purity and cleanliness of the temple and its premises.

.....
8. The temple buildings and premises shall not be used for purposes not connected with or arising from the worship, usages and observations of such temples.

.....
11. If any person contravenes or is suspected or believed by the Executive Authority of a temple to have contravened any of the provisions of these rules, it shall be lawful for the Executive Authority of the temple concerned, to direct such person to remove himself from the temple or its premises and, in case, such person refuses to abide by such directions, to cause him to be removed from the temple or its premises.

8. Having heard the rival contentions of learned counsel my decision is as follows:

(i) The impugned communication is a show cause notice and calls upon the petitioner to file his objections to the averments/allegations contained therein and learned counsel for the petitioner states that the petitioner intends to submit his objections at the earliest.

<https://hcservices.ecourts.gov.in/hcservices> In such an event, there is a direction to the respondent to consider and dispose the objections to be filed by the petitioner, after hearing the petitioner, within a period of



two weeks from date of receipt of the same. Till such time, there is an embargo placed on the petitioner from exercising his activities as a Tourist Guide within the precincts of the Arulmighu Meenakshi Amman Temple, subject to paragraph 5 and 6 above.

9. This writ petition is disposed of in the abovesaid terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)

CM

To
The Joint Commissioner/
Executive Officer,
Arulmighu Meenakshi Amman Temple,
Madurai.

+1CC TO MR.R.M.ARUNSWAMINATHAN, Advocate Sr. No.77139

**W.P(MD)No.16500 of 2019
and W.M.P(MD)No.13151 of 2019
24.07.2019**

SCR(CO)
TR (25.07.2019) 3P 3C