



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.12.2019

CORAM

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD)No.27404 of 2019

and

W.M.P (MD)Nos.23664 and 23665 of 2019

M.Subramanian

.. Petitioner

Versus

The Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmigu Subramaniya Swamy Thirukoil,
Tiruchendur,
Tuticorin District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.No.5477/2019/U2, dated 19.12.2019 on the file of the respondent and quash the same.

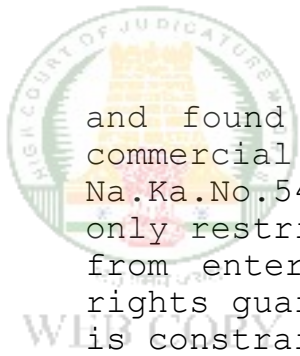
For petitioner : Mr.R.Manimaran

For Respondent : Mr.M.Muthu Geethaiyan

ORDER

The petitioner filed the present Writ Petition seeking for issuance of a Writ of Certiorari to call for the records relating to the impugned order in Na.Ka.No.5477/2019/U2, dated 19.12.2019 on the file of the respondent and quash the same.

2. According to the learned counsel for the petitioner, the petitioner belongs to the Thirusuthanthirar Brahmin Community and the said community people are having privilege in the Arulmigu Subramaniya Swamy temple at Tiruchendur and also having customary rights in conducting poojas and kaingaryams. Normally, the prasatham is only boiled white rice without adding any salt. After performing poojas, the prasatham will be distributed to the devotees after adding turmeric powder and a little bit of salt (Kattisatham) as per the rites and customs of the Arulmigu Subramaniya Swamy Temple, Tiruchendur. At the time of distributing the prasatham to the devotees by the petitioner, the respondent has made an inspection



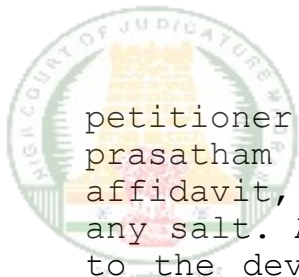
and found that the petitioner is distributing the prasatham for commercial purpose and therefore passed the impugned order, in Na.Ka.No.5477/2019/U2, dated 19.12.2019, by which the respondent not only restricted the petitioner to distribute the prasatham, but also from entering into the temple, which is against the fundamental rights guaranteed under Constitution of India. Hence, the petitioner is constrained to file the present writ petition.

3. Mr.M.Muthu Geethaiyan, learned counsel, who takes notice for the respondent would submit that the very same issue arises very long back before this Court in W.P.(MD).No.11817 of 2018. This Court, by order, dated 01.06.2018 has given a direction to the respondents therein to regulate this type of malpractise, illegalities or irregularities. In order to give effect/implementation to the directions of this Court, the respondent had conducted an inspection on 19.12.2019 and found that this petitioner sold the prasatham to the devotees by collecting money, which is against the customs of the temple. Therefore, the respondent passed the impugned order. There is no violation of any statute or any constitutional right and hence, there is no need to interfere with the impugned order. Hence, he prays for dismissal of this writ petition.

4. Heard both sides and perused the materials available on record.

5. Admittedly, the petitioner belongs to the Thirusuthanthirar Brahmin Community and he is only allowed to perform poojas and kaingaryams. Normally, the prasatham is only boiled white rice without adding any salt. After performing poojas, the prasatham will be distributed to the devotees after adding turmeric powder and a little bit of salt (Kattisatham) as per the rites and customs of the Arulmigu Subramaniya Swamy Temple, Tiruchendur. On the fateful day, ie., on 19.12.2019, when the petitioner was distributing the prasatham to the devotees, the respondent inspected and found that he was selling the prasatham to the devotees for commercial purpose and therefore, the impugned order has been passed by the respondent. Per contra, the learned counsel for the petitioner would submit that the respondent can prevent the petitioner from selling the prasatham, but he has not authority or power to pass the impugned order by restricting the petitioner from entering into the temple and performing the poojas.

6. However, on perusal of the impugned order, it would reveal that it is only an interim order by restricting the petitioner to enter into the temple for a period of 30 days in order to give a warning to the petitioner and therefore, it cannot be said that ever since the petitioner was restricted from entering into the temple. Even after reading of the affidavit, it is clear that on the particular date, the petitioner was selling the prasatham to the devotees. According to the learned counsel for the petitioner, the



petitioner is entitled to collect the cost for preparing the prasatham and he has not sold the prasatham. Even as per the affidavit, the prasatham is only boiled white rice without adding any salt. After performing poojas, the prasatham will be distributed to the devotees after adding turmeric powder and a little bit of salt (Kattisatham) at free of cost and the petitioner is permitted to collect the cost for preparing the prasatham (for salt and turmeric powder), which is not exceeding more than Rs.10/-. But, the petitioner has collected more money from the devotees. Therefore, the contention of the learned counsel for the petitioner is not acceptable. Even Article 19 of the Constitution of India has given all the rights to the citizens, but with reasonable restrictions. Since the petitioner has violated the reasonable restrictions, he cannot say that the impugned order passed by the respondent is violating the Constitution. This Court does not find any violation of Constitution, since the petitioner converting the distribution of prasatham into commercial commodity and sold the prasatham to devotees. Therefore, the impugned order passed by the respondent is well within his power, more particularly, to give implementation/effect to the directions given by this Court, in W.P.(MD).No.11817 of 2018, dated 01.06.2018.

7. In view of the above, this Court does not find any merit in this writ petition and it is liable to be dismissed and accordingly, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL/SSL

+1 CC to M/s.M.MUTHU GEETHAYAN, Advocate (SR-106530[F] dated 30/12/2019)

W.P. (MD) No. 27404 of 2019
30.12.2019

KK/SAR/09.01.2020/3P-2C/