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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM:

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.NO.31387 OF 2007

AND

M.P.NO.1 OF 2007

J.Mohanraj

... Petitioner

.Vs.

The State of Tamil Nadu,
Rep. by its

1. The Secretary to Government,
Public Department,
Fort St. George,
Chennai.
2. The Secretary to Government,
Ministry of Tamil Development,
Fort St. George,
Chennai.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration that in compliance with Article 141 of the Constitution (As per the Supreme Court decision in the National Anthem (Sanjeev Bhatnagar) case), to declaring the singing of the official Tamil anthem, in its present form, as published in the website of the Tamilnadu Government, its textbooks, other organic and electronic records, as being illegal, malicious and as an insult to its author Shri.Manonmaniam Sundaram Pillai, and consequently, direct the respondents to correct the tamil anthem on all official records by resurrecting the Shri.Manonmaniam's hymn to its original form, as sung by Shri.Manonmaniam Sundaram Pillai, so as to truly honour the tamil-mother.



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For the Petitioner : Mr.P.Ayyasamy
For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed to declare singing of the 'Tamil Thai Vazhthu' (Tamil anthem), in its present form, as published in the website of the Tamilnadu Government being illegal, malicious and an insult to its author Shri.Manonmaniam Sundaram Pillai, and accordingly, to direct the respondents to correct the 'Tamil Thai Vazhthu' on all official records by resurrecting the Shri.Manonmaniam's hymn to its original form.

2. A counter-affidavit to the writ petition has been filed where it has been stated that the 'Tamil Thai Vazhthu' has not been changed completely, but the third line was changed into fourth line and the fourth line was changed into third without affecting the import of the poem. The Government issued a letter on 05.05.1972 to reconstruct the song by omitting the lines in which the poet mentioned that the Sanskrit language had become obsolete and not any more a living language in usage. The lines aforesaid were changed with the view to make it convenient to sing and have the meaning of the song better expressed. The changes have been made with a view to make it known to the world that Tamil as our mother tongue did not harbour any hatred towards other languages. The change is operating from the year 1972 but the present writ petition has been filed in 2007 in reference to the original song of the writer without showing any illegality in the adoption of the song with modification by the State of Tamil Nadu, that too for the reasons given above. The song is being sung for the last more than 50 years without a challenge and is now in practice. Thus, the prayer is to dismiss the writ petition.

3. Learned counsel for the petitioner submits that the change in the song could not have been made rather it should be sung in the original form in which it was written. Accordingly, the prayer made in the writ petition be granted.

4. We have considered the submissions of the parties and perused the records.

5. The prayer in the writ petition with regard to the 'Tamil Thai Vazhthu' to be changed from the present form from



the website of the Tamil Nadu Government, its textbooks and other organic and electronic records is mainly on the ground that there are alterations and changes in the original song written by the author. A detailed explanation has been given by the Government in the counter-affidavit. It is submitted that there is rearrangement of certain lines of the song and at the same time, it has been restructured with omission of a line which was showing Sanskrit language to be an obsolete one. In view of the detailed explanation given for the change in the song by the State of Tamil Nadu, we do not find that the song being sung in the present form offends any provision of law. The State of Tamil Nadu, in its wisdom, adopted the song with modification and is sung for the last more than 50 years without any challenge. It is not that the author of the song is claiming his copyright or infringement of his right as a consequence thereupon.

Taking the overall facts into consideration, we do not find any ground for acceptance of the prayer made by the petitioner. Accordingly, the writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2007 is dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Secretary to Government,
Public Department,
Fort St. George,
Chennai.
2. The Secretary to Government,
Ministry of Tamil Development,
Fort St. George,
Chennai.

+1cc to Mr.P.Ayyaswamy, Advocate, S.R.No.4209

[28/04/2022]

+1cc to the Government Pleader, S.R.No.4053

W.P.NO.31387 OF 2007

GJ(CO)
PBS/28/01/2022