



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27748 of 2005
and WMP No.30164 of 2005

K.Ramakrishnan

..Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Coimbatore,
Coimbatore District.
3. The Principal Secretary to Government,
Home Department Fort St.George
Chennai-600 009.
4. The Principal Secretary to Government,
Municipal Administration Department,
Fort St.George Chennai-600 009.
5. The Principal Secretary to Government,
State Highways Department,
Fort St.George, Chennai-600 009.
6. The Secretary to Government,
Hindu Religious and Charitable Endowments Department
(HR and CE),
Fort St.George,
Chennai-600 009.
7. The Commissioner,
Hindu Religious and Charitable Endowments
Department (HR and CE), No.119,
Uthamar Gandhi Salai, Thousand Lights,
West Nungambakkam, Chennai- 600 034

(R3 to R7 are suo-motu impleaded vide order
dated 04.01.2019)

..Respondents



Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Directing the respondents to implement the G.O.Ms.No. 7553/66-2 dated 29.04.1968 and letter No.8472/L&O.B/94 dated 18.08.1994 on the file of the Public (Law & Order B) Department and to remove the unauthorised construction in the name of Vinayagar Temple in the Revenue Divisional Office Coimbatore Coimbatore District.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.T.K.Saravanan
Government Advocate for R1 and R2

O R D E R

This writ petition was filed by the Thanthai Periyar Dravidar Kazhagam seeking for the issue of writ of Mandamus directing the respondents to remove the unauthorized construction put up in the name of a temple in the office of the RDO, Coimbatore, by strictly implementing G.O.Ms.No.7553/66-2 dated 29.04.1968 and letter No.8472/L&O.B/94 dated 18.08.1994.

2. The case of the petitioner is that the employees belonging to the 2nd respondent started constructing a temple within the campus of RDO, Coimbatore. A complaint was given by the petitioner in this regard by pointing out to the relevant Government Order and for stopping the said construction. Since the same was not acted upon, the present writ petition was filed before this Court.

3. The 2nd respondent has filed a counter affidavit and has taken a stand that the Vinayagar Temple has been in existence for a long time and it is worshiped by persons belonging to the general public and steps were only taken for the renovation of the temple. A further stand has been taken to the effect that there will be no hindrance if the vinayagar temple continues inside the office campus.

4. Heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.T.K.Saravanan, learned Government Advocate for respondents 1 and 2.



5. The issue involved in the present writ petition is squarely covered by G.O.Ms.No.426 dated 13.12.1993 which specifically provides that no construction of any new structure for religious worship or prayer should be done within a Government office campus or no enlargement or modification should be done to any existing structure for similar purpose.

6. This Court also had dealt with this issue on various occasions and it has been categorically held that no temple can be constructed in a public place and more particularly within the office premises. For proper appreciation, the judgement passed by the Division Bench in WP No.3928 of 2010, dated 17.03.2010 can be relied upon and it was held as follows :-

"4. The issuance of G.O.Ms.No.426, Personnel and Administrative Reforms Department dated 13.12.1993, is not in dispute. In fact, the petitioner sent a communication to the 1st respondent on 02.02.2010 and a reply has been forwarded by the Under Secretary to the Government, Personnel and Administrative Reforms Department, on 26.02.2010 admitting the issuance of G.O.Ms.No.426, dated 13.12.1993. The said communication also makes it clear that as per the said G.O., no new structures for any religion should be permitted inside any Government Offices and that any kind of religious structure is prohibited inside the Government Offices.

5. When such a specific Government Order having been issued by the State Government, it is the responsibility of the State to ensure that such prohibition made under the said G.O., is implemented in letter and spirit. We, therefore, state that the respondents should take all necessary steps to implement the specific directions issued in G.O.Ms.No.426, Personnel Reforms Department dated 13.12.1993, and take all possible steps for maintaining a communal harmony in the Government Offices, without giving room for any hitch from any quarters.

7. It is clear from the above judgment that by placing reliance upon G.O.Ms.No.426, directions have been issued to the State Government to ensure that the Government Order is implemented strictly and no religious structures should be permitted inside any Government Office. This judgment virtually answers the issue that has been raised in the present writ petition.



8. As a result of the above discussion, this writ petition is allowed and there shall be a direction to the respondents not to put up any religious structure inside the office premises of the 2nd respondent and the relevant Government order shall be implemented strictly in letter and spirit. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Coimbatore District, Coimbatore.
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Department (HR and CE), No.119,
Uthamar Gandhi Salai, Thousand Lights,
West Nungambakkam, Chennai- 600 034

+1cc to Mr.S.Doraisamy, Advocate SR. No. 33260

+1cc to Government Pleader SR. No. 34257

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