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Cont.P.No.1499 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2023

CORAM

**THE HONOURABLE Mr. JUSTICE R. MAHADEVAN
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKESAVALU**

Contempt Petition No. 1499 of 2019

Rangarajan Narasimhan

.. Petitioner

Vs

D.K.Ramachandran
Commissioner
Hindu Religious and Charitable Endowments Department
Uthamar Gandhi Salai
Nungambakkam
Chennai 600 039

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willful disobedience of the order dated 30.11.2015 passed in W.P.No.574 of 2015.

For Petitioner : Mr.Rangarajan Narasimhan
Party-in-person

For Respondent : Mr.NRR.Arun Natarajan
Special Government Pleader



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ORDER

(Order of the Court was made by P.D.AUDIKESSAVALU, J.)

The Contempt Petition is prosecuted for violation of the order dated 30.11.2015 passed by this Court in *suo motu* W.P. No. 574 of 2015. While disposing the said Writ Petition, this Court issued a slew of directions, one of which is as under:-

“12. We do believe that the HR & CE department must go slow in the matter of renovations for the time being till a proper path is laid ahead, since in the hurry to carry out the work of this nature, heritage ought not to be destroyed. This does not mean, essential works are not to be carried out, and they would continue. We may note at this stage that in W.P.No.37619 of 2015, we have stopped further demolition of temples on the basis inter alia on the report of the consultant, who had proceeded on the basis of local superstition, categorising the temple as inauspicious, though the task was to render technical assistance. Another aspect sought to be emphasised by Mr.Rangarajan Narasimhan is that the Agamas required that the whole area of the temple is to be in a particular manner, and thus, public facilities, though advisable, must be placed in a manner to be outside the temple area rather than inside. In the context of the Agamas, this issue needs to be revisited by the HR & CE Department, as also the issue raised of location of the offices.”



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2. It is the case of the Petitioner that the work carried out by the Respondent in furtherance of G.O. Ms. No. 266, Tourism, Culture and Religious Endowments Department dated 19.11.2015 for construction of the Rajagopuram of Arulmigu Pundarikatcha Perumal Thirukkoil, Thiruvellarai, Tiruchirappalli District, is in violation of the said order.

3. Learned Special Government Pleader appearing for the Respondent, on instructions, submitted that after the aforesaid order passed by this Court on 30.11.2015, all construction activities of the Rajagopuram in terms of the said Governmental Order, had ceased and it was only the essential works permitted by this Court that had alone taken place.

4. The Petitioner/Party-in-person vehemently contended that the construction of Rajagopuram on the northern side of the Temple would be against the Agama Shastra, and as the Deity is facing East, the Rajagopuram should be constructed only on the eastern side of the Temple.

5. On the contrary, Learned Special Government Pleader appearing for the Respondent herein and Learned Counsel appearing for the Petitioner in Sub.



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Apln. No. 628 of 2023, which was filed seeking his impleadment as the Second Respondent in the Contempt Petition, contended that only after getting expert advice, decision was taken to make further construction on the Rajagopuram.

6. Having regard to the aforesaid contentions made, this Court has already passed final orders in *suo motu* W.P. No. 574 of 2015 on 07.06.2021 holding that any heritage works should be made only after obtaining prior permission from the Expert Committee. In view of the interim order passed by this Court on 30.11.2015 after the Governmental Order dated 19.1.2015 permitting construction works was issued, further works for construction of the Rajagopuram on the northern side of the Temple cannot proceed. If it is intended by the Respondent to construct the Rajagopuram, they will have to call for objections from the public and after hearing stake-holders, a reasoned order shall be passed dealing with each of the contentions raised in support of and against the proposed construction of Rajagopuram and if so, as to whether it should be on the northern or eastern side of the Temple.

7. At the same time, in view of the submission made by Learned Special Government Pleader appearing for the Respondent that no construction of the



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Rajagopuram has been made after 30.11.2015, we deem it unnecessary to proceed with the Contempt Proceedings and thus, this contempt petition is closed with the aforesaid observations.

[R.M.D., J.] [P.D.A., J.]
01.09.2023
(1/2)

Neutral Citation : Yes/No

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R.MAHADEVAN, J.
AND
P.D.AUDIKESAVALU, J.

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