



Writ Petition No.13121 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.13121 of 2023

M.V.Vijayaragavan
S/o.Varadharajan

...Petitioner

Vs

1.The Assistant Commissioner/Executive Trustee,
Sri Devarajaswamy Temple,
Sannadhi Street,
Kancheepuram - 631 501.

2.V.Pavithra
D/o.M.V.Varadharajan

... Respondents

[R2 impleaded *vide* order dated 12.06.2023
in W.M.P.No.16579 of 2023 in W.P.No.
13121 of 2023]

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to permit the petitioner to perform his services as a Sthanika in Sri Devarajaswamy Temple, Kancheepuram, based on his order of appointment dated 07.12.2017, passed in Se.Mu.Na.Ka.No.300/1427, passed by the respondent herein and further, direct the respondent to take action against any and/or all parties who are unlawfully restraining the petitioner from performing his services as a Sthanikar in Sri Devarajaswamy Temple, Kancheepuram, based on the representation dated 02.04.2023 sent to the respondent herein.

For Petitioner : Mr.Abhinav Parthasarathy

For Respondents : Mr.R.Bharanidharan [R1]

Mr.K.V.Babu [R2]



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ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent to permit the petitioner to perform his services as a Sthanika in Sri Devarajaswamy Temple, Kancheepuram, based on his order of appointment dated 07.12.2017, passed in Se.Mu.Na.Ka.No.300/1427, passed by the first respondent herein and further, direct the first respondent to take action against any and/or all parties who are unlawfully restraining the petitioner from performing his services as a Sthanikar in Sri Devarajaswamy Temple, Kancheepuram, based on the representation dated 02.04.2023 sent to the first respondent herein.

2. When the writ petition came up for hearing on 27.04.2023, this Court passed the following order:

"Considering the facts involved in this case, necessary instructions were given to the respective counsel to amicably resolve the dispute.

2. The learned Special Government Pleader, wanted the Hindu Religious and Charitable Endowments Department to be *suo motu* impleaded in this case.

3. This Court does not want to pass any orders for the present. This Court hopes that the advice given will be carried out. The petitioner and his father Varadharajan shall be present before this



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Court during the next date of hearing.

Post this case under the caption 'for appearance of parties and for passing further orders' on 12.06.2023 at 02.15 p.m."

3. When the matter was taken up for hearing today, both the petitioner and his father Mr.Varadharajan were present before this Court. It seems that they have buried their hatchets and the father does not seem to have any objection in the petitioner assisting him in his services as the 'Thanikar' in Sri Devarajaswamy Temple, Kancheepuram.

4. Learned Standing Counsel appearing on behalf of the first respondent submitted that the father of the petitioner has also withdrawn the complaint given against the petitioner.

5. In the mean time, W.M.P.No.16579 of 2023 in W.P.No.13121 of 2023 has been filed before this Court by the sister of the petitioner stating that the behaviour of the petitioner is far from satisfactory and it has resulted in at least five complaints given against the petitioner before the jurisdictional police station and the same are pending investigation.



6. Learned counsel for the impleaded respondent submitted that the writ petitioner, who is exhibiting such behaviour should not be allowed to perform the services under God. The impleaded respondent has also made a representation in this regard to the concerned authority restraining the writ petitioner from performing the 'kaingaryam' in the subject temple.

7. Learned counsel for petitioner submitted that there was some misunderstanding within the family which led to the complaints given against the petitioner. It was further submitted that all attempts are being made to amicably settle the disputes. It was further submitted that the petitioner will not indulge or involve in any such untoward behaviour in future.

8. In the considered view of this Court, the grievance expressed by the impleaded respondent cannot be completely discarded. A person performing a religious duty and that too within the precincts of God is expected to have an impeccable behaviour. Rash/rude behaviour cannot be tolerated and it will spoil the entire atmosphere of the temple if the same is permitted. Even though the complaint has been withdrawn by the father,



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that does not give any license to the petitioner to continue his untoward behavioural pattern. The undertaking given by learned counsel for petitioner is hereby recorded. If the petitioner indulges in any bad/rude behaviour in future, it is always left open to the impleaded respondent and father of the petitioner to give a complaint to the concerned authority and the same shall be acted upon. This Court gives one last chance to the petitioner to mend his ways and to exhibit a behaviour as is expected from a person, who performs 'kaingaryam' within the precincts of a temple. This opportunity given to the petitioner cannot be taken as a license to continue with any such rash/rude behaviour in future.

This Writ Petition is disposed of with the above direction. No costs.

12.06.2023
(2/2)

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To
The Assistant Commissioner/Executive Trustee,
Sri Devarajaswamy Temple,
Sannadhi Street,
Kancheepuram - 631 501.



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N.ANAND VENKATESH, J

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