



W.P.No.13809 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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S.Anantha Desikan

.. Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments
Department (HR and CE), Nungambakkam,
Chennai - 600 034.
2. The Joint commissioner,
Hindu Religious and Charitable Endowments
Department, (HR and CE), District Collectorate Campus,
Kancheepuram - 631 501.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, (HR and CE), District Collectorate Campus,
Kancheepuram - 631 501.
4. The Executive Officer,
Hindu Religious and Charitable Endowments
Department, (HR and CE)
Arulmighu Devarajan Swamy Temple,
Kanchipuram.
5. The District Collector,
Kanchipuram, Kanchipuram District - 631 501.



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6. T.A.P. SRIRANGACHARI

.. Respondents

(Impleaded vide order dated 24.04.2023
made in WMP.13876/2022)

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents herein namely Executive Officer of the Arulmighu Devaraja Swamy Perumal Temple, Kanchipuram to perform the religious duty of receiving Maryada (Honour) of Devaraja Swamy Perumal through Religious Procession (including Thiru Aradhanam, Mantrapushpam, Sri Shatari, Maalai, Parivattam, Kattiyam) to all 12 Alwars and Acharyans belonging to Vaishnavism in general coming under the Administrative control of the respondent temple more specifically the Sannidhi of Parasara Bhattar on the date of the respective Thirunakshatram Regularly as laid down in 1942 and 2006 order issued by the Commissioner of the Hindu Religious and Charitable Endowment Department in accordance with law.

For the Petitioner	: Mr.Senthilvelan Senior Counsel assisted by Mr.B.Jagannath
For the Respondents	: Mr.N.R.R.Arun Natarajan Special Government Pleader for respondents 1 to 3
	: Mr.R.Bharanidharan for 4 th respondent
	: Mr.P.Muthukumar State Government Pleader assisted by Mrs.R.Anitha Special Government Pleader for 5 th respondent
	: Mr.R.Palaniandavan for 6 th respondent



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ORDER

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

Heard Mr.Senthilvelan, learned Senior Counsel, assisted by Mr. B.Jagannath, learned counsel for the petitioner; Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for respondents 1 to 3; Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the fifth respondent; Mr.R.Bharanidharan, learned counsel for the fourth respondent; and Mr.R.Palaniandavan, learned counsel for the sixth respondent.

2. The petitioner seeks directions against the respondents, namely the Executive Officer of the Arulmighu Devaraja Swamy Perumal Temple, Kanchipuram, to perform the religious duty of receiving Maryada (Honour) of Devaraja Swamy Perumal through Religious Procession (including Thiru Aradhanam, Mantrapushpam, Sri Shatari, Maalai, Parivattam, Kattiyam) to all 12 Alwars and Acharyans belonging to Vaishnavisim in general coming under the



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Administrative control of the respondent temple more specifically the Sannidhi of Parasarar Bhattar on the date of the respective Thirunakshatram Regularly as laid down in 1942 and 2006 order issued by the Commissioner of the Hindu Religious and Charitable Endowment Department in accordance with law.

3. Learned counsel for the petitioner submits that the petitioner is a follower of Sri Parasarar Bhattar. However, the said Saint is not extended any honour. In 1941, an order is passed by the office of the Hindu Religious and Charitable Endowments Board wherein directions are given that the Alwars and Archariars, including Manavalamahamuni, shall be taken in procession. The entire scheme is detailed. The same is not adhered to. The Executive Officer needs to be directed to perform the religious duty of receiving Maryada (Honour) of Devaraja Swamy Perumal through Religious Procession (including Thiru Aradhanam, Mantrapushpam, Sri Shatari, Maalai, Parivattam, Kattiyam) to all 12 Alwars and Acharyans belonging to Vaishnavisim.



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4. According to the respondents, the petitioner is trying to innovate new concepts and the same is not permissible.

5. The matter pertains to the customs and rituals to be followed in the temple. The same is within the exclusive domain of the Devasthanam. This court is not an expert in concluding about the customs, traditions and other aspects of the functioning of the temple. Under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [for brevity, "*the Act of 1959*"], an authority is created to look into the aspect as to whether any person is entitled, by custom or otherwise, to any honour, emolument or perquisite in any religious institution; and what the established usage of a religious institution is in regard to any other matter. These aspects are to be dealt with by the Joint Commissioner or the Deputy Commissioner, as the case may be.

6. The petitioner may approach the Joint Commissioner or the Deputy Commissioner as provided under Section 63(e) of the Act of 1959. If such an application is made by the petitioner, the



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authority concerned shall take a decision upon the application of the petitioner on its own merits and in accordance with law, of course taking into consideration and the customs and traditions, expeditiously, after hearing all the parties concerned. The decision may preferably be taken within nine months from the date the application is made by the petitioner.

The writ petition is disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

04.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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