



Cont. P.(MD) No.884 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Cont. P. (MD) No.884 of 2022
in W.A. (MD) No.171 of 2022

K.Yoganathan

... Petitioner

Vs.

Mr.Manickavasagam,

Tahsildar,

Karaikudi Taluk,

Sivagangai District.

...Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, praying to punish the Contemnor / 6th Respondent for his deliberate and willful disobedience of the order of this Hon'ble Court made in W.A. (MD) No.171 of 2022 dated 31.03.2022.

For Petitioner : Mr.P.Krishnasamy

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

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(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Contempt Petition has been filed for the alleged disobedience of the order passed by the Division Bench of this Court dated 31.03.2022, made in W.A. (MD) No.171 of 2022 against W.P. (MD) No.19922 of 2021.

2. A learned Single Judge of this Court in W.P. (MD) No.19922 of 2021, passed an order on 21.01.2022, whereby the prayer sought for in the said Writ Petition was allowed. Aggrieved over the said order passed by the Writ Court, some third party filed appeal in W.A. (MD) No.171 of 2022. The Division Bench heard the said Writ Appeal along with W.A. (MD) No. 146 of 2022, which was also filed by the same party, but who stood as 3rd and 4th respondents in the respective Writ Petition before the Writ Court. The Division Bench, vide its common judgment dated 31.03.2022 had dealt with those Writ Appeals and passed the following order in the operative portion:-

“9. In spite of the above, the entire order need not be disturbed, because according to us, there are some directions which can be salvaged. They are as under.



9.1 W.P(MD) No.15784 of 2021 is allowed vide para 24(i) of the impugned order. It reads as under:-

“W.P.(MD)No.15784 of 2021 is allowed. The temple is directed to be opened by the first respondent / Tahsildar and a direction is issued to the Superintendent of Police, Sivagangai District to simultaneously deploy sufficient police force to ensure that peace reigns in that area during the period of worship. The daily Poojas must be conducted. Everybody must be permitted to worship the Deity. The decision to lock and seal the temple is set aside. The temple is directed to be opened forthwith.”

According to us, none of the above needs to be interfered with. The challenge in the appeal to that extent needs to be dismissed.

9.2 So far para 24(ii) of the impugned order is concerned, learned Single Judge has allowed the W.P (MD) No.19922 of 2022. The prayer of the petitioner to the effect that he be continued as the priest can not be granted. Therefore, that prayer was required to be rejected. Further, the reference to the proceedings of the peace committee can not have any relevance, since it was for the year 2020. The appeal needs to be allowed to that extent. Other relief granted to the said petitioner, that it will be open for him to offer worship like any other villager need not be interfered with. The challenge to the order of learned Single Judge in W.P(MD) No.19922 of 2022



to that extent needs to be rejected. So far other grievance of the writ petitioner as voiced in the writ petition is concerned, it is always open to him to take recourse to the law. Specific reference in this regard needs to be made to Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

9.3 Challenge to the order of learned Single Judge therefore needs to be answered, keeping in view the above findings.

10. For the reasons recorded above, the following order is passed:-

10.1 W.A.(MD) NO.146 of 2022 is dismissed.

10.2 W.A(MD) No.171 of 2022 is partly allowed, with the clarification noted above.

10.3 No costs. Consequently, connected miscellaneous petitions would not survive.”

3. In the said order, in para 9.2, the order of the Writ Court allowing the prayer sought in W.P. (MD) No.19922 of 2021 has been dealt with. In this context, it is the grievance of the present petitioner that since the learned Single Judge has allowed the prayer in W.P. (MD) No.19922 of 2021 (wrongly typed as W.P. (MD) No.19922 of 2022 in the Division



Bench Order), where the prayer sought for was that the petitioner can be permitted to continue as a permanent Pujari to perform Poojas of the Temple concerned, which was modified by the Division Bench in the said judgment in para 9.2, they have clarified that such a prayer which was allowed by the Writ Court permitting the petitioner to be the Pujari to perform Poojas permanently is concerned, that alone was modified, therefore, Mr.P.Krishnasamy, learned counsel appearing for the petitioner would canvass the point that, even after the Division Bench judgment, the position was that insofar as the petitioner herein is concerned, he may not be permitted to act as a Pujari on permanent basis to perform Poojas of the temple concerned, that at times during festival season or whenever the petitioner wants to go to the temple concerned, he can be permitted to perform the Pooja as a Pujari, that portion of the order, according to him, has not been tinkered with by the orders of the Division Bench, therefore, when he made an attempt to do such Pooja as a Pujari that was since prevented by the HR & CE Department, that amounts to be a violation of the orders of the Division Bench and therefore, only in that context he moved the Contempt Petition, he contended.



4. We have also heard Mr.N.Ramesh Arumugam, learned Government Advocate, appearing for the respondent and have gone through the records filed before this Court.

5. In Para 9.2 of the order dated 31.03.2022, it has been made clear that the prayer of the petitioner to the effect that he be continued as a Priest cannot be granted. Nowhere, it has been clarified that his prayer to continue as Priest on permanent basis alone cannot be granted and on temporary basis or intermittently he can be permitted to act as a Pujari to perform Pooja.

6. That kind of leverage has never been granted by the Division Bench in the said order, therefore, that kind of interpretation or wrong understanding of the order of the Division Bench cannot give rise to file this Contempt Petition to the petitioner.

7. When that being so, the learned counsel appearing for the petitioner would further canvass the point that, even for the purpose of entering into the temple to have worship of the God is concerned, even that is prevented some time by the respondents.



8. However, this statement made by the petitioner counsel has been stoutly denied by the learned Government Advocate appearing for the respondent, who would submit that as any other villager, the petitioner can very well enter into the temple at any time he wants to have a dharsan over the deity and that kind of previlage which can be enjoyed by any devotee or any village person in the temple concerned cannot be prevented by any one, therefore, that kind of grievance the petitioner need not have at any point of time, he contended.

9. In view of the aforestated legal position and by seeing the order passed by the Division Bench, we are of the firm view that the orders of the Division Bench dated 31.03.2022, especially, in the context of para 9.2, had not been violated by the respondents. That apart, it has also been brought to our notice by the learned Government Advocate appearing for the respondents that, in fact, the petitioner i.e. K.Yoganathan locked the Temple on his own, by thus, not permitting any other devotee to enter into the temple to have a dharsan, that since created some local issues, including likelihood of creating a law and order problem, the authorities concerned, including the revenue department i.e., the Tahsildar, Karaikudi had



conducted a Peace Committee Meeting, where it was found that the temple concerned was locked by the petitioner Yoganathan and at the end of the Peace Committee Meeting, Yoganathan i.e., the present petitioner agreed to remove the lock and thereby the lock was removed in the presence of the Deputy Superintendent of Police of Karaikudi and other devotees, who want to enter into the Temple to have a dharsan.

10. This can be culled out from the report filed by the Tahsildar, Karaikudi dated 28.03.2023.

11. On seeing this report, we find that, the picture now wanted to be painted by the petitioner is completely a different one, whereas, he himself taken the issue in his hand and seems to have locked the Temple, which is a high-handed act, for which he is not empowered to or entitled to.

12. His only right, as any other devotee or villager concerned, is to enter into the temple to have a dharsan, not beyond that.



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13. Therefore, under the shelter of Court orders referred to above or on his own, the petitioner cannot enter into the Temple with the intention to perform any Pooja or to distribute any Prasadam, including Vibuthi to any devotee.

14. Like that, the petitioner is also not entitled to lock the temple or any portion of the Temple and in any such activities, if he indulge in future, that can be dealt with in accordance with law by the law enforcing agency of the area concerned.

15. Sofaras the petitioner is concerned, his right to enter into Temple as a devotee like any other devotee or villager to have a dharsan cannot be prevented and for the said purpose alone he shall be permitted, whenever he wants to make it during the temple hours.

16. With the aforesaid observations and directions, we feel that this Contempt Petition can be closed, accordingly, it is closed.

(R.S.K., J.) & (R.V, J.)
17.04.2023

NCC : Yes / No
Index : Yes / No
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