



W.P.No.10531 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.10531 of 2018

S.Sudhakaran

...Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Dr.Balasundaram Road, Coimbatore – 18.

2. The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Erode.

3. The Assistant Commissioner/Executive Officer,
A/m. Shri Sangameswarar Thirukovil,
Kooduthurai, Bhavani, Erode District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioner right to perform Parikaram and Purohitam at Kooduthurai Outside the compound wall of Arulmighu Sangameswarar Thirukovil, Bhavani in compliance with the decision of this Hon'ble Court in Ponnudurai Case reported in 2013 (2) CWC 540 by considering his representation dated 09.10.2017.



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For Petitioner : Mr.N.Manokaran

For Respondents : Mr.NRR.Arun Natarajan, Spl.GP, for R1 & R2
: Mr.R.Baranidharan, for R3

ORDER

This Writ petition has been filed seeking to forbear the respondents from interfering with the petitioner's right to perform Parikaram and Purohitam at Kooduthurai outside the compound wall of Arulmighu Sangameswarar Thirukovil, Bhavani in compliance with the decision of this Hon'ble Court in Ponnudurai Case reported in 2013 (2) CWC 540 by considering his representation dated 09.10.2017.

2. Learned counsel appearing for the petitioner submitted that the petitioner is Purohitar doing Parikaram and Purohitam at Kooduthurai, which is outside the compound wall of Arulmigu Sangameswarar Temple, Bhavani and the said temple is a listed Temple under Section 46(iii) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'Act'] and is under the administration of The Assistant Commissioner/Executive Officer and is situated in T.S.No.18,



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which is classified as 'sarkar poromboke', however, the Temple claim control over the sarkar poromboke lands in T.S.Nos.10, 11, 13, 15, 17 and 19. The petitioner is performing parikaram, poojas and other rituals only outside the Temple premises, however, the respondents are not permitting them to do the same.

3. Learned counsel appearing for the petitioner further submitted that the issue arises in this writ petition is no longer *res integra*. It has already been considered by this Court in the decision reported in **2013 (2) CWC 540 [Ponnudurai Vs. The Commissioner, HR & CE Administration Department]**. Accordingly, the learned counsel prayed for allowing this writ petition.

4. Per contra, the learned Special Government Pleader (HR&CE) submitted that the decision cited supra was rendered in the year 2009 and subsequently there are lot of changes and HR & CE Department has prescribed Rules for performing Parikaram and Purohitam, since only qualified persons are entitled to do Parikaram and Purohitam. He further



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submitted that in order to ascertain the qualification of the persons who do Parikaram and Purohitam, HR & CE Department issued show cause notice for conducting written examination. Some of the persons received the said show cause notice and some did not receive the said show cause notice.

5. Heard the arguments advanced on either side and perused the materials available on record.

6. The grievance of the petitioner is that the petitioner is Purohitar doing Parikaram and Purohitam at Kooduthurai, which is the bank of confluence of the Rivers Cauvery, Bhavani and subterranean Amudhanathi and it is outside the compound wall of Arulmigu Sangameswarar Temple, Bhavani, however, the respondents are preventing them from doing the Parikaram and Purohitam.

7. The issue arises in this writ petition is no longer *res integra*. It has already been considered by this Court in the decision reported in **2013 (2) CWC 540 [Ponnudurai Vs. The Commissioner, HR & CE Administration Department]**, the relevant portion of which reads as follows:



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“12.I do not find the said plea of the Temple can be sustained herein, for the simple reason, that the Petitioners herein averred categorically that they are not performing any of the religious rites inside the Temple; that the performing of the same is only in Kooduthurai, in river banks on the confluence of rivers, which is away from the Temple. If that be so, I do not find any justification in the Temple insisting on the Petitioners like Purohits executing any Agreement as a chit of good behaviour. It is to be noted that the jurisdiction of the 5th Respondent is restricted only to those areas, which are under its control and does not extend to the public place, where any one is free to practice his/her profession so long as it remained lawful. The mere fact that the Petitioners have passed the test conducted by the 5th Respondent, hence, does not mean that the Petitioner has to subscribe to an Agreement to be executed at the instance of the 5th Respondent by paying security amount demanded by the 5th Respondent. If really the 5th Respondent has anxiety to maintain the purity and sanctity of the Temple premises and that there are no untoward incident happening inside the Temple premises creating law and order problem or if any individual commits an act of violence disturbing the peace inside the Temple; it is always open to the Temple authorities to take the assistance of the Police to bring order inside the Temple, but on the score of maintaining purity and sanctity inside the Temple, it is not for the authorities to issue a mandate to the persons outside the Temple to subscribe to the



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Agreement provided by the Temple Authorities.

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13. In the circumstances, I do not find any substance in the contention of the Fifth Respondent that the Petitioners even though are not using the Temple premises are bound to execute the Agreement as dictated by the Fifth Respondent. On the simple fact that the Petitioners are not practicing their profession of performing Pariharams inside the Temple or on the shelter provided for such Pariharams and that their profession is outside the Temple and on the banks of the river, I fail to understand the logic of the Fifth Respondent in insisting on those, who are beyond its reach to execute the Agreement.

14. Consequently, the Writ Petitions are ordered that the Temple authority shall not interfere with the performance of the Pariharams by the Petitioners outside the Temple premises. The question as to whether the Temple can prescribe the Agreement for those, who are inside the Temple, is a matter which is not relevant for the purpose of considering the claims of the Petitioners. In the circumstances, I am not interfering into the question as to the relevancy of the Agreement. No costs. Consequently, WPMP No.28602 of 2005 and WVMP No.2542 of 2005 are closed."

8. Following the decision cited supra, it is ordered that the Temple authority shall not interfere with the performance of the Pariharams by the



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petitioner outside the Temple premises. However, if anyone wish to do Parikaram and Purohitam inside the Temple premises, it is made clear that it is open to such persons to voluntarily enter into agreement with the Temple Authority for performing Parikaram and Purohitam inside the Temple premises.

9. Accordingly, this Writ petition stands disposed of on the above terms. No costs.

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Index : Yes/ No
Speaking Order : Yes/ No
NCC : Yes/ No

To

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Dr.Balasundaram Road, Coimbatore – 18.
2. The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Erode.

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3. The Assistant Commissioner/Executive Officer,
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M.DHANDAPANI, J.

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