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WP No.9308 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-04-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.9308 of 2024

And

WMP Nos.10325 and 10326 of 2024

C.S.Srinivasan

.. Petitioner

-VS-

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2.Joint Commissioner,
Hindu Religious and Charitable Endowments
Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.



3. Assistant Commissioner/Executive Officer,
Arulmigu Thiyagaraja Swamy Temple,
Thiruvottiyur,
Chennai-600 019.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent in proceedings NIL dated 12.03.2024 cancelling the License of the petitioner to sell Prasadam in Pasali 1433 of Arulmigu Thiyagaraja Swamy Temple and to quash the same as illegal, unconstitutional and without jurisdiction and to direct the third respondent to de-seal the petitioner's Prasadam Stall and for consequential orders.

For Petitioner	:	Mr.V.Raghavachari, Senior Counsel for Mr.Avinash Wadhwani.
For Respondents	:	Mr.N.R.R.Arun Natarajan, Special Government Pleader [HR&CE].

ORDER

The proceedings of the third respondent-Assistant Commissioner dated 12.03.2024, cancelling the permission granted to the petitioner to run 'Prasadam Stall' inside Arulmigu Thiyagaraja Swamy Temple, Thiruvottiyur, Chennai-600 019, is under challenge in the present



writ petition.

2. The petitioner states that he is engaged in the business of selling Prasadam in Hindu Temples across the State of Tamil Nadu. The petitioner further states that Prasadam is meticulously prepared by skilled Cook, using high-quality ingredients and maintaining strict hygienic standards. Thereafter the Prasadam was sold to Devotees visiting the temples at a minimal profit margin.

3. Pursuant to the Tender Notification, the petitioner participated in the Tender to run 'Prasadam Stall' in Pasali 1433 for a period of one year i.e., from 01.07.2023 till 30.06.2024 in Arulmigu Thiyagaraja Swamy Temple, Thiruvottiyur, Chennai-600 019.

4. The petitioner was a successful bidder and has entered into an Agreement with the Competent Authority of the Hindu Religious and Charitable Endowments Department.



5. The complaints were received from the Devotees of the temple that the petitioner was selling rotten/contaminated Prasadam to them and it was published in the local Newspapers also.

6. Based on the complaints, inspections were conducted by the Executive Officer of the temple and the Authorities. They found that contaminated food products were sold in the 'Prasadam Stall'. Consequently, a show cause notice was issued to the writ petitioner on 18.02.2024.

7. One Mr.B.Vasu was employed by the petitioner to run the 'Prasadam Stall' inside the temple. He has given a statement, admitting the above facts, before the Assistant Commissioner, HR&CE Department. Further opportunity was granted to the writ petitioner and the petitioner also has given statement before the Assistant Commissioner/Executive Officer of the temple.

8. The statement of the petitioner reveals that he has admitted the fact that the employees of 'Prasadam Stall' distributed the contaminated



Prasadams to the Devotees, who visited the temple. Further, the petitioner has stated that he will not allow repetition of such mistakes and he has already removed the said employee Mr.B.Vasu and the Cook, who prepared Prasadams for distribution in the temple.

9. Mr.V.Raghavachari, learned Senior Counsel, appearing on behalf of the petitioner, would submit that the Temple Authorities have not given space to prepare Prasadams inside the temple premises.

10. In this context, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader [HR&CE] would oppose by stating that the terms and conditions stipulated in the Agreement dated 03.06.2023 has been agreed by the petitioner. Accordingly, the petitioner was permitted to prepare Prasadams in temple Madapalli. However, the petitioner made a request to allot separate place, which was not available. Thus the petitioner was permitted to prepare Prasadam in temple Madapalli, which is already available inside the temple. The petitioner himself has taken decision to prepare Prasadams outside the temple. Therefore, the said contention is untenable.



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11. Pertinently, the samples collected from 'Prasadam Stall' were sent to Capital Re Energy and Laboratory and the test results dated 23.02.2024 reveals that the samples collected from the 'Prasadam Stall', does not comply the cooked food standards. The Laboratory Report states that Prasadam distributed to the Devotees, are contaminated and not in consonance with the food standards.

12. In the present case, show cause notice was issued to the petitioner. The employee, engaged by the petitioner, has given statement before the Assistant Commissioner, admitting the charges. The petitioner also has given statement, admitting the allegations regarding distribution of contaminated Prasadam to the Devotees visited the temple.

13. Since the Authorities found that such complaints were made frequently by the Devotees, actions were initiated to send Prasadam to the Laboratory for testing and the result also ended against the petitioner. Prasadam supplied are found not in accordance with the food standards and therefore, this Court do not find any infirmity in respect of the order



passed by the third respondent in proceedings dated 12.03.2024.

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14. As far as the Temple Stalls are concerned, the Authorities of the HR&CE Department, are empowered to regulate the same in the manner contemplated under the Act and the Rules.

15. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

12-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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