



WEB COPY



WP Nos.688 of 2014 & 23686 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.688 of 2014
Writ Petition No.23686 of 2017

and

M.P. Nos.1 & 2 of 2014

&

W.M.P. Nos.24886 to 24888 of 2017

1. V. Bhoovaraha Moorthy
2. K. Bhuvarahan

.. Petitioners in W.P.
688 of 2014

K.R. Srinivasan

.. Petitioner in
WP 23686 of 2017

Versus

1. The Secretary to the Government of Tamil Nadu
Tamil Culture Department
(TN HR & CE Department),
Fort Saint George,
Chennai.

2. The Commissioner,
TN HR & CE Department,
Uthammar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

3. The Joint Commissioner,
TN HR & CE Department,
Vizhupuram.

<https://www.mhc.tn.gov.in/judis>



WP Nos.688 of 2014 & 23686 of 2017

4. The Executive Officer,
Sri Bhuvvaraha Swamy Temple,
Sri Mushnam (Thirumuttam),
Kattumarrakoil Taluk,
Cuddalore District.

5. R. Gopal

6. T.N. Lakshmi Varaha Thathachari *

.. Respondents in
both W.P.s

* R5 and R6 in W.P. No.688 of 2014
were impleaded vide Order, dated 23.1.2014
in MP Nos.3 & 4 of 2014.

W.P. No.688 of 2014:- Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents herein to remove the recent invention / introduction of unusual mark/sign (Thengalai Namam – Y Shape) against mamool one, now finds place in the Flag Post (Kodi Maram), instead of common Mark / Sign (U Shape), with a consequential direction to put the original common Mark / Sign (U Shape) originally found place in the Flag Post (Kodi Maram) on Sri Bhuvvaraha Swamy temple, Srimushnam (Thirumuttam Village), to maintain the common character of the temple.

W.P. No.23686 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records related to impugned proceedings of the 2nd respondent herein in Na.Ka.No.1307/2017-1/H-1, dated 3.3.2017, with a consequential direction to the 2nd respondent herein to hold fresh enquiry on the representation of the petitioner herein dated 16.3.2012 in accordance with law by giving opportunity of being heard to the interested person as directed by this Court in W.P. No.6561 of 2013 by its order, dated 21.11.2016.

For Petitioner in both cases

: Mr. T.V. Ramanujam
Senior counsel
for Mr. S. Sathyanarayanan



WP Nos.688 of 2014 & 23686 of 2017

For Respondents in both cases

:

Mr.S. Ravichandran
Addl. Govt. Pleader (HR & CE)
for R1 to R4

Mrs. Hema Sampath
Senior Counsel
for Mrs. Radha Gopalan
for R5 & R6.

COMMON ORDER

Since the issues involved in both these petitions are related to one another, with the consent of learned counsel on either side, both these petitions are heard together and disposed of by way of a common order.

2. The short facts of these petitions are that there are two main sections of Sri Vaishnavism viz., Thenkalai and Vadakalai. The Vadakalai sect persons wear their namam or thiruman in a “U” shaped pattern with manjal or yellow and the Thenkalai sect persons wear it in a “Y” shaped pattern with kunkumam or red line. It is the case of the petitioners that there were disputes between the two Sections viz., Vadakalai and Thenkalai and one of the sections are attempting to alter the normal mark and right to worship of other section in the said temple is disturbed. Hence, these writ petitions.

3. Heard the submissions made by the learned counsel on either side and perused the materials placed before this Court.



WP Nos.688 of 2014 & 23686 of 2017

4. The issues involved in these writ petitions requires an adjudication on facts. This Court, in exercise of power under Article 226 of The Constitution of India, cannot embark upon an enquiry into those disputed facts and to reach a conclusion.

5. Therefore, without going into the merits of the case, this Court disposes of these writ petitions by directing the petitioners to approach the 3rd respondent with regard to the aforesaid dispute by submitting appropriate application. On receipt of any such application, the 3rd respondent shall decide the issue in terms of Section 63E of Hindu Religious and Charitable Endowments Act and pass orders in accordance with law, as expeditiously as possible. Also liberty is granted to the aforesaid two sections, that if any dispute arises in future with regard to change of marks or customary practice, they shall submit an appropriate application before the competent authority. No costs. Consequently, connected miscellaneous petitions are closed.

03.09.2024

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2



WP Nos.688 of 2014 & 23686 of 2017

To

1. The Secretary to the Government of Tamil Nadu
Tamil Culture Department
(TN HR & CE Department),
Fort Saint George,
Chennai.

2. The Commissioner,
TN HR & CE Department,
Uthammar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

3. The Joint Commissioner,
TN HR & CE Department,
Vizhupuram.

4. The Executive Officer,
Sri Bhuvvaraha Swamy Temple,
Sri Mushnam (Thirumuttam),
Kattumarrakcoil Taluk,
Cuddalore District.



WEB COPY



WP Nos.688 of 2014 & 23686 of 2017

M.DHANDAPANI, J.

vsi2

W.P. Nos.688 of 2014
and 23686 of 2017

03.09.2024