



W.P. Nos.27982/23-31224/24

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 21.10.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS. 27982 OF 2023 & 31224 OF 2024

W.P. No.27982 of 2023

G.Nadraj Dheekshidar

.. Petitioner

- Vs -

1. The Secretary
HR & CE Department
Fort St. George, Secretariat
Chennai 600 009.

2. The Commissioner
HR & CE Department
Nungambakkam
Chennai 600 034.

3. The Joint Commissioner
HR & CE Department
Cuddalore District 607 001.

4. The Secretary
Podhu Dikshidar Committee
Sabanayagar Temple
Cuddalore District 608 001.

.. Respondents

W.P. No.31224 of 2024



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The Secretary
V.Venkatesa Deekshithar
Podhu Dikshidar Committee
Sabanayagar Temple
Cuddalore District 608 001.

.. Petitioner

- Vs -

1. The Joint Commissioner
HR & CE Department
Cuddalore District 607 001.

2. The Commissioner
HR & CE Department
No.119, Uthamar Gandhi Salai
Nungambakkam High Road
Chennai 600 034.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India
praying this Court to issue a writ of mandamus directing the 3rd respondent to
direct the 4th respondent to implement the order in A.P. No.02/2023/A4 of 3rd
respondent dated 23.06.2023.

Writ petition filed under Article 226 of the Constitution of India
praying this Court to issue a writ of mandamus directing the 3rd respondent to
direct the 4th respondent to implement the order in A.P. No.02/2023/A4 of 3rd
respondent dated 23.06.2023.



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For Petitioner : Mr. C.Kanagaraju
in WP 27982/2023
Mr. G.Chandrasehar in
WP 31224/2024

For Respondents : Mr. N.R.R. Arun Natarajan,
Spl.GP for RR-1 to 3 in
WP 27982/2023 & RR-1 & 2 in
WP 31224/2024
Mr. Harishankar for
M/s.Chandrasekar for R-4

ORDER

An order has been passed by the 3rd respondent holding the proceedings initiated by the petitioner in W.P. No.31224/2024 as unsustainable and had accordingly set aside the order of suspension issued against the petitioner in W.P. No.27982/2023. Assailing the said order, while W.P. No.31224/2024 has been filed, seeking a direction to the 4th respondent to implement the said order, W.P. No.27982/2023 has been filed. Since both the petitions relate to one and the same issue, they are taken up together for disposal and disposed of by this common order.



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2. For brevity, the petitioner in W.P. No.27982/23 will be referred to as the petitioner and the petitioner in W.P. No.31224/24 will be referred to as the 4th respondent.

3. It is the case of the petitioners that the Podhu Deekshidar Committee is in Management of the Sri Sabanayakar Temple, Chidambaram and that they have been conferred with the exclusive right of management of the Temple. It is the case of the Committee that entry of the devotees into the Kanaka Sabha was restricted by the Committee, which was followed by all the members of the Podhu Dhikshitar Committee without any protest, barring a few, who had resisted the same by claiming that the devotees also should be permitted access to the Kanaka Sabhai. It is the further case as is evidenced in W.P. No.27982/2023 that when the petitioner along with his father, mother and other devotees entered the Kanaka Sabhai, the 4th respondent forced the petitioner and his father and mother to move away from the Kanaka Sabhai. It is further seen from the averment that on 12.2.2022, the petitioner in W.P. No.27982/23 along with his father, mother



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and wife were denied entrance to the Kanaka Sabhai when they forcefull tried to enter the Kanaka Sabhai.

4. It is the further averment in the petitions that the 4th respondent resisted the entry of the petitioner and requested the petitioner not to obstruct the tranquillity at the place of worship, moreso, when they were aware of the restrictions imposed by the 4th respondent in consensus with all the members of the community. FIR in Crime No.238/2022 came to be registered in the name of the petitioner's father u/s 307 IPC at Chidambaram Police Station, though charge sheet has not been filed till date.

5. It is the further averment of the 4th respondent that many instances of disrespect and high handed act of the petitioner towards the devotees came to the knowledge of the 4th respondent resulting in the registration of various FIR before the law enforcing agency. It is the further averment of the 4th respondent that the petitioner is wilfully causing obstruction and chaos at the temple and is acting against the interests of the Temple.



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6. In this backdrop, the 4th respondent sent a notice dated 2.3.2022 to the petitioner to show cause as to why the petitioner should not be suspended from the committee for his conducting, by pointing out the incidents in which the petitioner has been involved resulting in the registration of FIRs. Though two days time was given to the petitioner to file his explanation, however, the petitioner submitted a reply only on 7.3.2022, which reply was also not proper and there was no denial of the allegations levelled against him. The 4th respondent, after discussing the same in the meeting of the general body on 21.3.2022 and with the consensus of the committee, suspended the petitioner for a period of one year from the committee, which was communicated to the petitioner on 22.3.2022.

7. It is the further averment of the 4th respondent that the petitioner filed revision petition before the Commissioner, HR & CE Department u/s 21 of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 against the order of suspension dated 22.3.2022 and appeal petition bearing A.P. No.2/2023 /A4 was also filed before the Joint Commissioner, Cuddalore District against the order of suspension dated 22.3.22. It is the further

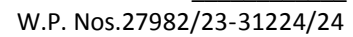


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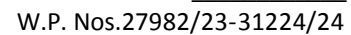
avermment of the petitioner that upon admitting the appeal, the matter has been deliberated upon and an order has come to be passed by the Joint Commissioner holding that the order of suspension is not sustainable and had accordingly set aside the order of suspension. Aggrieved by the said order, while the 4th respondent has assailed the said order, the petitioner has sought for a direction to implement the said order.

8. Learned counsel appearing for the 4th respondent submits that the Supreme Court had held in ***Hindu Religious Endowments – Vs – Sri Lakshmidra Thirtha Swamiar of Sri Srirur Mutt (AIR 1954 SC 282)*** and that the Dikshitar form and constitute a religious denomination and are entitled to participate in the administration of the Temple and their administrative rights are protected under Article 26 of the Constitution of India and such being the case, the impugned order holding the suspension order passed by the Dikshithar Committee as erroneous is wholly unsustainable and, therefore, the same requires to be interfered with. However, it is fairly submitted by the learned counsel for the 4th respondent that by now, the one year suspension period had already come to an end and, therefore, nothing



9. This Court heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for HR & CE on the above contentions and perused the materials available on record.

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11. In the aforesaid facts and circumstances of the case, the period of suspension of the petitioner having already come to an end, both the writ petitions are closed with a further direction to the 4th respondent to allow the petitioner to participate in the affairs of the 4th respondent committee. Insofar as the power of respondents 1 to 3 to interfere with the actions of the 4th respondent, the said issue is left open to be considered in an appropriate case. There shall be no order as to costs.

21.10.2024

Index : Yes / No

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2. The Commissioner
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M.DHANDAPANI, J.

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AND
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