BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.12.2023

DELIVERED ON : 11.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.28437 of 2023
and
WMP(MD)No.24487 of 2023

K.Ramesh : Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Ellis Nagar,
Madurai – 625 011.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Virudhunagar – 626 001.

4.The Chairman of Temple Trustee and Members,
Arulmigu Nachiyar Sri Aandal Thirukoil,
Srivilliputhur, Virudhunagar District – 626 125.

5.The Executive Officer,
Arulmigu Nachiyar Sri Aandal Thirukoil,
Srivilliputhur,
Virudhunagar District – 626 125.

6.V.Manoharan : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents 1 to 3 to take action against the fifth respondent, who unlawfully sent out the petitioner, by violating the tender conditions imposed for running Prasadam Stalls for the Fasali Year 1433 (01.07.2023 to 30.06.2024) and consequently, directing the first respondent to allow the petitioner to run Prasadam Stalls in the places which are already allotted at Arulmigu Nachiyar Sri Aandal Thirukovil, Srivilliputhur, Virudhunagar District, by considering the petitioner's representation dated 25.11.2023.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.P.Subba Raj,
Special Government Pleader
for R.1 to R.4

Mr.M.Kannan for R.5

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ORDER

The petitioner is a licensee, who got license for running a Prasadam Stall at Arulmigu Nachiyar Sri Aandal Temple, Srivilliputhur. He has participated in the tender and he was awarded with the contract for selling the Prasadam from 01.07.2023 to 30.06.2024.

2.The grievance of the petitioner is that the fifth respondent / Executive Officer has unlawfully thrown him away from the Temple premises, by violating the tender conditions imposed for running the stalls. He has therefore filed this writ petition for a mandamus directing the respondents 1 to 3 to take action against the fifth respondent and also for a consequential direction to the first respondent to allow him to run the Prasadam Stall in the places, which were already allowed at Arulmigu Nachiyar Sri Aandal Temple, Srivilliputhur.

3.Learned Counsel for the petitioner submitted that the petitioner is running the Prasadam Stall at Arulmigu Nachiyar Sri Aandal Temple for the past ten years and this year also, he has participated in the tender and took the lease for a sum of Rs.22,58,000/-. All along, he was running the Prasadam Stalls inside the Temple. However, this year, the fifth respondent has not permitted him to have the shops inside the Temple. In this regard, the petitioner has submitted a representation to the fifth respondent and he was continued to have the shops in the previous place itself.

4.He further submitted that the petitioner has made another representation dated 01.07.2023 requesting permission to conduct the Prasadam Stall in the previous place till the Aadi Pooram festival. The fifth respondent had also permitted the petitioner to continue the shop in the same place. However, on 06.11.2023, the fifth respondent has taken a coercive step and thrown the petitioner out of the place and caused loss to the tune of Rs.2,50,000/-. In this regard, the petitioner has submitted a representation to the first respondent on 15.11.2023, however, no action was forthcoming.

5.Learned Counsel for the fifth respondent submitted that this petitioner has participated in the tender, as per the tender notification dated 30.05.2023. In the tender notification itself, they have specifically mentioned about the places where the stalls should be placed. Two places have been identified for this Prasadam Stall, one at Sri Andal Sannathi Kalyana Mandapam on the western side to the place of generator between two stone pillars and the another near the footwear stand at Audi Pooragam Shed. Knowing very well about the places where the stall is permitted, the petitioner participated and was also selected as the successful bidder for the period from 01.07.2023 to 30.06.2024 and accordingly, license was issued to this petitioner to run the Prasadam Stall. He has also referred to Clause 4 of the tender document and the representation of this petitioner dated 01.07.2023.

6.This Court considered the rival submissions made on either side and perused the materials placed on record.

7.The petitioner has participated in the tender and obtained the license for selling Prasadam at Sri Aandal Temple, Srivilliputhur, as per the notification dated 30.05.2023. The notification itself specified the places in which the Prasadam Stalls are permitted. Two places have been identified for this purpose, one at Sri Andal Sannathi Kalyana Mandapam on the western side to the place of generator between two stone pillars and the another near the footwear stand at Audi Pooragam Shed. The petitioner, having participated in the tender knowing well about the same, cannot now question that he must be allowed to have the stalls inside the Temple.

8.The petitioner claims that in the previous years, he was allowed to have the shops inside the Temple. But, that does not confer any right for this petitioner to continue the shop, according to his whims and fancies, inside the Temple. The Temple administration can very well fix the place where the licensees can run the stall. They have identified and notified the same. Only thereafter, the tender took place. Therefore, this Court is not inclined to accede the petitioner's request on merits.

9.During the course of hearing, the petitioner's Counsel requested permission to have the Prasadam Stalls for the remaining period. The Temple Administration also came forward to provide another place for the

Prasadam Stall near Vadapathira Sannithi, instead of the earlier place near the footwear stand.

10.Since the petitioner has already been awarded with a contract for running the Stall from 01.07.2023 to 30.06.2024, the petitioner shall be permitted to run the Stall for the remaining period in the places which were identified by the Department.

11.Licenses are being issued to run the Prasadam Stalls in the name of the Temple. During worship, food, water, etc., are offered to the deity. It is believed that the deity partakes of and then returns the offering, thereby consecrating it. The offering is then distributed and eaten by the worshippers. The efficacy of the Prasadam comes from its having been touched by the deity. All food, if silently offered to God with the proper prayers before eating, becomes consecrated and is thus considered Prasadam.

12.If anything is offered in the Temple as Prasadam, it must have its own unique quality and a speciality / tradition. The Laddu, which is offered as a Prasadam at Tirupathi, is having such special tradition, which has also been recognized with GI tag. Similarly, certain special features have been attached to the Prasadams like Palani Panjamirtham [which has also been recognized with GI tag] and Alagarkovil Dosa.

13.When it was verified with regard to the traditional Prasadam of this Aandal Temple, the Executive Officer, who is present before this Court, has stated the importance of Akkara Adisal. The Executive Officer has also filed an affidavit before this Court that in future, they would provide Akkara Adisal, the traditional Prasadam of this Temple, to the devotees who are visiting the Temple.

14.It is the duty of the Temple administration to ensure the quality of such Prasadams, which are provided in the Temple. Some of the Executive Officers, realizing the importance of Prasadams provided through the

Temple, have made arrangements to produce the Prasadams on their own and supplying the same to the devotees with quality. However, most of the Temples are leasing it out to private individuals and it is not known as to how they are ensuring the quality of these Prasadams provided by private individuals.

15.It is also reported that the persons, who are running the Prasadam Stalls, are taking the lease for running the Prasadam Stalls every year. In fact, the petitioner himself has admitted that he is running the Prasadam Stalls in the subject Temple for the past ten years. While so, it is not known as to how transparency is ensured in this process. One should not loose sight of the fact that Temple is not a place for commercial activities.

16.It is reported that in Arulmigu Kallalagar Temple, Madurai, the Prasadams are prepared and provided by the Temple administration itself, though it was leased out to private individuals some ten years back. This Court has also verified with regard to the income generated for this Temple through the distribution of Prasadams, when it was leased out to private individuals. On the directions of this Court, learned Special Government Pleader has obtained the statistics from the Executive Officer of Alagarkovil and the same is extracted as under:-

Leased out to Private Individuals

S.No.	Fasali	Year	Auction Amount (Rs.)
1	1415	01.07.2005 – 30.06.2006	17,08,000
2	1416	01.07.2006 – 30.06.2007	20,10,000
3	1417	01.07.2007 – 30.06.2008	22,25,000
4	1418	01.07.2008 – 30.06.2009	24,04,000
5	1419	01.07.2009 – 30.06.2010	26,95,000

Prepared and provided by the Temple itself

S.No.	Fasali	Year	Income (Rs.)	Expense (Rs.)	Net Profit (Rs.)
1	1420	01.07.2010 – 30.06.2011	1,62,99,736	84,47,202	78,52,534
2	1421	01.07.2011 – 30.06.2012	1,64,00,020	81,98,252	82,01,768
3	1422	01.07.2012 – 30.06.2013	1,79,25,160	1,01,65,453	77,59,707
4	1423	01.07.2013 – 30.06.2014	2,05,69,340	1,24,55,951	81,13,389

5	1424	01.07.2014 – 30.06.2015	2,12,06,660	1,16,42,754	95,63,281
6	1425	01.07.2015 – 30.06.2016	2,22,36,186	1,28,16,905	94,23,281
7	1426	01.07.2016 – 30.06.2017	2,19,47,370	1,19,21,454	1,00,25,916
8	1427	01.07.2017 – 30.06.2018	2,67,22,380	1,51,55,185	1,15,67,185
9	1428	01.07.2018 – 30.06.2019	2,82,69,080	1,49,36,519	1,33,32,561
10	1429	01.07.2019 – 30.06.2020	2,19,95,610	1,35,31,529	84,64,081
11	1430	01.07.2020 – 30.06.2021	2,25,21,880	1,45,27,531	79,94,349
12	1431	01.07.2021 – 30.06.2022	3,52,82,490	2,17,36,474	1,35,46,016
13	1432	01.07.2022 – 30.06.2023	4,62,49,640	3,38,57,019	1,23,92,621
14	1433	01.07.2023 – 29.02.2024 (8 months)	3,82,37,850	3,02,71,326	79,66,524

17.From the above, it is clear that the Temple can generate higher income through the Prasadam Stalls, which it is prepared by the Temple itself, instead of leasing it out to private individuals. The practice adopted in Arulmigu Kallalagar Temple is an example as to how there can be a more income for the Temple through these Prasadams, if proper infrastructure is provided. Not only the income, but, when these Prasadams are prepared by the Temple itself, the Temple administration, ie., the Hindu Religious and Charitable Endowments Department, can ensure the quality of the Prasadams than the quality provided by individual licensees.

18.The first respondent / Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, shall look into this issue of Prasadam, in the light of the observations made supra.

19.Insofar as the present case is concerned, since the petitioner has already been awarded with the contract for running the Stall from 01.07.2023 to 30.06.2024, he shall be permitted to run the Stall for the remaining period in the places which were identified by the Department, ie., (i) near Sri Andal Sannathi Kalyana Mandapam on the western side to the place of generator between two stone pillars; and (ii) near the footwear stand at Audi Pooragam Shed or near the Vadapathira Sannithi.

With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2024

Internet : Yes
Index : Yes / No
NCC : Yes / No
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To

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Nungambakkam,
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4.The Chairman of Temple Trustee and Members,
Arulmigu Nachiyar Sri Aandal Thirukoil,
Srivilliputhur, Virudhunagar District – 626 125.

B.PUGALENDHI, J.

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