



WEB COPY



W.P.No.1986 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
W.P.No.1986 of 2022

Rangarajan Narasimhan

.. Petitioner

VS

1. The Additional Chief Secretary
to Govt., Govt. of Tamil Nadu,
Secretariat, Chennai 600 009.
2. The Secretary,
Department of Tourism, Culture
and Religious Endowments,
Secretariat, Chennai 600 009.
3. The Commissioner,
Hindu Religious & Charitable
Endowments Dept., 119, Uthamar
Gandhi Salai, Nungambakkam,
Chennai 600 034.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to prohibit holding any kind of meetings/gathering of whatever name, be it political, spiritual, governmental, personal or any other, except the activities in accordance with the recognized religious practices, custom



W.P.No.1986 of 2022

WEB COPY

and usage pertaining to the Sampradhaya to which the temple belongs and are sanctioned by the respective Agama Shastras and ban any event such as birthdays of employees of HR&CE department, celebration of political leaders' birth and death anniversaries, Golu (Navarathiri Doll festival), English New year Day, dining and other entertainment activities inside temple premises during marriage/Sashtiyabdhapoorthi/Sadhabishekam and other similar personal Vaideeka Karmas, fine arts which are not connected with the Sampradhaya of the temple and which are performed by non-Hindus.

For the Petitioner : Mr.Rangarajan Narasimhan
Party-in-person

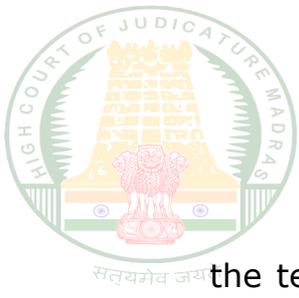
For the Respondents : Mr.P.Muthukumar
State Govt. Pleader for R-1

: Mr.R.Shunmugasundaram
Advocate General
Assisted by Mr.T.Chandrasekaran,
Spl.G.P. (HR & CE), for RR 2 & 3

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed to seek a direction on the respondents to prohibit meetings or gathering of people for the purpose of political, spiritual, governmental, personal or any other kind other than the activities in accordance with the recognized religious practices, custom and usage pertaining to the Sampradhaya to which



W.P.No.1986 of 2022

WEB COPY

the temple belongs and sanctioned by the respective Agama Shastras and ban any event such as birthdays of employees of HR&CE department, celebration of political leaders' birth and death anniversaries, Golu (Navarathiri Doll festival), English New year Day, and other entertainment activities inside the temple premises.

2. The petitioner in person submits that as per the provisions of the Religious Institutions (Prevention of Misuse) Act, 1988, the temple premises cannot be used for promotion or propagation of any political activity or for any other related activities. But, ignoring the provisions of the said Act of 1988, the temples are being used for organising political meetings and even for propagating achievements of different political parties. A reference of Section 3 of the Act of 1988 has been given to support the argument. It is to show that despite a specific bar in regard to certain activities, the HR & CE department is permitting the activities in violation of Section 3 of the Act of 1988. A further reference of Section 4 of the Act has been given which restricts a religious institution or manager thereof to allow the entry of any arms or ammunition or of any person carrying any arms or ammunition into the religious institution. Section 5 of the Act of 1988



W.P.No.1986 of 2022

WEB COPY

is also referred which provides that no religious institution or manager thereof shall use or allow the use of any funds or other properties belonging to it for the benefit of any political party or for the purpose of any political activity or for the commission of any act which is punishable as an offence under any law. Section 6 has also been referred which imposes restriction on the organisation of festival, congregation, procession or assembly under the auspices for use of any political party.

3. The petitioner submits that ignoring the provisions referred to above, the HR & CE Department is permitting use of temple premises for political purposes. To fortify the said submission, he referred to the photographs and the news article annexed to the writ petition where persons belonging to political parties have gathered for the purpose prohibited under the Act of 1988. Referring to the speech delivered by the Hon'ble Prime Minister during the inauguration of the Samadhi of Adi Shankaracharya, the petitioner submitted that the said programme was telecast live in more than 16 temples and personnel belonging to political parties gathered there to witness the programme. He submitted that the aforesaid was not permissible in view of



W.P.No.1986 of 2022

WEB COPY

Sections 3 to 5 of the Act of 1988. Yet, no action was taken by the HR & CE Department to prohibit or comply with the provisions.

4. The petitioner made a further reference to the photographs exhibited in certain temples to propagate the achievements of certain political parties and submitted that the same is hit by the provisions of the Act of 1988. The prayer is accordingly to grant the relief, as prayed in the writ petition.

5. The learned Advocate General submits that reference of the exhibition has been given without adverting to the facts that it was not organised for promoting any political activity or for the purpose prohibited under Sections 3 to 5 of the Act of 1988. He submitted that various temples in the State of Tamil Nadu have been declared as monuments and the Department of Archaeology is taking care of the conservation and preservation of the ancient temples. The Department of Archaeology is exhibiting the photographs of the conservation and preservation works and the exhibition is not in regard to achievements of a political party.



W.P.No.1986 of 2022

WEB COPY

6. Learned Advocate General further submits that the other photographs referring to the gathering of persons belonging to political parties is not in reference to any political activity, but was on the occasion when the Hon'ble Prime Minister dedicated the Samadhi of Poojya Adi Shankaracharya and delivered a speech, which was requested to be telecast across all the 12 Jyothirlingas, four Jyotishpeethas, etc., vide the order of the Government of India dated 01.11.2021. The event was organized not for promoting any political activity, rather it was delivered on the occasion referred above. In view of the above, the HR & CE Department has not offended any provisions of the Act of 1988, as alleged.

7. We have considered the submissions of the parties and perused the records.

8. The writ petition is essentially to seek compliance of Sections 3 to 5 of the Act of 1988, as it is alleged that the political parties are violating the provisions and the HR & CE Department is not ensuring strict compliance to the provisions aforesaid. For ready reference,



W.P.No.1986 of 2022

Sections 3 to 5 of the Act of 1988 are quoted hereunder:

WEB COPY

"3. No religious institution or manager thereof shall use or allow the use of any premises belonging to, or under the control of, the institution-

(a) for the promotion or propagation of any political activity. or

(b) for the harbouring of any person accused or convicted of an offence under any law for the time being in force; or

(c) for the storing of any arms or ammunition. or

(d) for keeping any goods or articles in contravention of any law for the time being in force. or

(e) for erecting or putting up of any construction or fortification, including basements, bunkers, towers or walls without a valid licence or permission under any law for the time being in force; or

(f) for the carrying on of any unlawful or subversive act prohibited under any law for the time being in force or in contravention of any order made by any court. or

(g) for the doing of any act which promotes or attempts to promote disharmony or feelings of



WEB COPY



W.P.No.1986 of 2022

enmity, hatred or ill-will between defferent religious, racial, language or regional groups or castes or communities. or Prohibition of use of religious institutions for certain purposes. or (h) for the carrying on of any activity prejudicial to the sovereignty, unity and integrity of India. or (i) for the doing of any act in contravention of the provisions of the Prevention of Insults to National Honour Act, 1971.

4. No religious institution or manager thereof shall allow the entry of any arms or ammunition or of any person carrying any arms or ammunition into the religious institution :

Provided that nothing in this section shall apply to-

- (a) the wearing and carrying of a kirpan by any person professing the Sikh religion. or*
- (b) any arms which are used as part of any religious ceremony or ritual of the institution as established by custom or usage.*

5. No religious institution or manager thereof shall use or allow the use of any funds or other properties belonging to, or under the control of, the institution for the benefit of any political party or for the purpose of any political



W.P.No.1986 of 2022

WEB COPY

activity or for the commission of any act which is punishable as an offence under any law."

7. Admittedly, the provisions quoted above impose certain restrictions which include promotion or propagation of the political activities.

8. Apropos the allegation that political parties are exhibiting their achievements in the temples by way of photographs, learned Advocate General has emphatically stated that many temples have been declared as monuments and the Department of Archaeology is taking up the conservation and preservation work of those temples and it is the said Department which is exhibiting photographs of the various idols, etc., and the photographs do not relate to political achievements. The petitioner, appearing in person, only made an averment in the affidavit and appended a photograph from Twitter, which is smudged, and does not disclose the contents of the exhibits. The authenticity of such document cannot be examined by this court. Therefore, this court taking into account the statement made by learned Advocate General to the effect that such exhibits are relating to the preservation and



W.P.No.1986 of 2022

WEB COPY

conservation of monuments, holds that the aforesaid cannot be said to be a propaganda of the political party.

9. So far as the telecast of the speech by the Hon'ble Prime Minister is concerned, the material produced herein and the letter dated 01.11.2021 issued by the Government of India show that it is on the occasion of unveiling of the statue of Adi Shankaracharya, the great Indian Saint and theologian at Kedarnath on 05.11.2021. Elaborate programmes were organised across 12 Jyotirlingas, 4 Jyotishpeethas and his birth place. A decision was taken to celebrate the occasion by holding simultaneous programmes at all places known to have been visited by Shri Adi Shankaracharya. The Hon'ble Prime Minister unveiled the statue of the great Indian Saint and dedicated the Samadhi site to the public. The entire event was telecast across all the 12 Jyothirlingas, four Jyotishpeethas, etc., as requested by the order of the Government of India dated 01.11.2021.

10. The petitioner in person has made a reference of the last para of the speech where the Hon'ble Prime Minister commended the efforts put in by the State of Uttarakhand to control the Covid-19.



W.P.No.1986 of 2022

WEB COPY

According to the petitioner, the said statement tantamounts to propagating of the achievements of the government, which is prohibited under Sections 3 to 5 of the Act of 1988.

11. We have gone through the entire speech of the Hon'ble Prime Minister which is on record and find that it is relevant to the occasion. The speech makes a reference of the holy monasteries, four Dhams [Bhadrinath, Dwarka, Puri and Rameswaram] and 12 Jyothirlingas established by Shri Adi Shankaracharya. In the penultimate paragraph, the Hon'ble Prime Minister said that the State of Uttarakhand is known to be "Devbhoomi" and referred to the significance of Chardham Yatra. In that context, a reference was made to the Chardham Project and it was stated that all the four Dhams are being connected to the highway under the said project. The same does not amount to political propaganda. It was said in the context that the said project improves the access of pilgrims to the four Dhams and the development of the religious places. Thereafter, a reference was made to the efforts put in by the Government of Uttarakhand to control Covid-19. The same, by no stretch of imagination, can be said to be for promoting any political activity. The



W.P.No.1986 of 2022

WEB COPY

petitioner in person has given reference of one para of the speech of the Hon'ble Prime Minister, torn out of context, and without taking note of the theme of the event. The permission accorded for the telecast of the speech cannot be said to be for promoting or propagating any political activity, rather it was organised and telecasted largely in all religious places, which includes the Jyotirlingas and Jyothishpeethas on dedication of Samadhi of Shri Adi Shankaracharya. The speech of the Hon'ble Prime Minister, inter alia, shows in depth reference to the legacy of Adi Shankaracharya; what is dharma; what is the relation of dharma and knowledge; the significance of Chardham Yatra; and, the Indian Philosophy of human welfare. A small portion of the speech commending the efforts put in by the State of Uttarakhand for fighting Covid-19 cannot be read in isolation to give it a different colour as claimed by the petitioner.

12. In view of the above, we do not find violation of Sections 3 to 5 of the Act of 1988. It is more so when they were on certain religious occasions/events. The restrictions that exist under the Act of 1988 are otherwise to be followed by the HR & CE Department stricto sensu.



W.P.No.1986 of 2022

WEB COPY

With the aforesaid observations, the writ petition is disposed of.

No costs.

(M.N.B., ACJ.) (D.B.C., J.)
10.02.2022

Index : No
sra/sasi

To:

1. The Additional Chief Secretary
to Govt., Govt. of Tamil Nadu,
Secretariat, Chennai 600 009.
2. The Secretary,
Department of Tourism, Culture
and Religious Endowments,
Secretariat, Chennai 600 009.
3. The Commissioner,
Hindu Religious & Charitable
Endowments Dept., 119, Uthamar
Gandhi Salai, Nungambakkam,
Chennai 600 034.



WEB COPY



W.P.No.1986 of 2022

M.N.Bhandari, ACJ.
and
D.Bharatha Chakravarthy, J.

(sra)

W.P.No.1986 of 2022

10.02.2022

Page 14 of 14