



ABSTRACT

Hindu Religious and Charitable Endowments Department – Supreme Court of India Civil Appeal Nos. 10620, 10621 and 10622/2013 respectively filed by Dr.Subramaniam Swamy and others in the matter of Arulmigu Sabhanayagar Temple, Chidambaram – Restoration of Status – Quo prior to 1987 in the Temple - Orders – Issued.

Tourism, Culture & Religious Endowment (RE.3-2) Department

G.O (Ms) No.232

Dated: 19.09.2014
Jaya, Puratasi – 3,
Thiruvalluvar Aandu 2045

Read:

1. G.O.(Ms.)No.168, Tamil Development, Culture and Religious Endowments (RE.3.2) Department, dated 09.06.2006.
2. Commissioner, Hindu Religious and Charitable Endowments Department Letter No.35017/2006/N2, dated 30/01/2014.

ORDER:

The Executive Officer was appointed to the Chidambaram Natarajar Temple by Commissioner of Hindu Religious and Charitable Endowments Department on 31.07.1987 citing the need for administering the temple and defining the powers and duties of Executive Officer by the Commissioner, Hindu Religious and Charitable Endowments in his proceedings No. Nada.Na.Ka.No.52754/82/L.1, dated 31.07.1987. This order was challenged in 1987 by Podhu Deekshithars, Smartha Brahmins who claim to have been called by Lord Nataraja himself. Their number as per tradition is 3000, with the 3000th being Lord Nataraja himself. After a stay of 10 years, the writ petition was dismissed on 17.02.1997. A writ appeal was preferred which was disposed of on 01.11.2004 giving liberty to Secretary, Podhu Deekshithars (Respondent No.6) to file a revision petition to Government under section 114 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. (Tamil Nadu Act 22 of 1959). The revision petition was dismissed on 09.05.2006, rejecting the contention that the order of Commissioner dated 05.08.1987 violated the fundamental rights of the respondents under Article 26 of the Constitution of India, observing that by virtue of the operation of law (i.e.) statutory provisions of sections 45 and 107 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 such rights were not available to Podhu Deekshithars as per the orders issued in G.O.1st read above. The order of the Commissioner further stated in the order dated 05.08.1987 as follows, "the Podhu Deekshithars could not furnish proper accounts of the movable and immovable properties of the temple and that the powers given to the Executive Officer are for the administration of the Temple and properties and maintain these in a secular manner".

Respondents preferred writ petition No.18248/2006 for setting aside the Government's order under section 114, of the said Act which was dismissed by the High Court, Madras wherein it was held "Deekshithars were a "religious denomination" as pronounced in Writ Petition Nos.379-380 of 1951 by the High Court would not operate as res-judicata". Writ Appeal No.181/2009 was filed by the Secretary, Podhu Deekshithars in the Madras High Court which was dismissed on 15.09.2009. Civil Appeal Nos.10620 – 10622 were filed by 3 parties including Podhu Deekshithars against the above judgement in the Supreme Court.

3. The Supreme Court in its order first read above in the Civil appeal Nos.10620 – 10622 has ordered that :-

- i) the issue whether "Podhu Deekshithars" are religious denomination has attained finality in 1951 and would operate as res-judicata for all future lis (cases).
- ii) Even if the management of a temple is taken over to remedy the evil of mismanagement it must be handed over immediately after the evil is remedied. Therefore, management by the State can only be for a limited period, failure to prescribe duration in the impugned order would make it liable to be set aside.
- iii) The power under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 for appointment of an Executive Officer could not have been exercised in the absence of any prescription of circumstances / conditions in which appointment can be made.

"Thus the Appeals were allowed. Judgement / orders impugned are set aside".

4. The Commissioner, Hindu Religious and Charitable Endowments Department in his letter 2nd read above sought instructions from the Government on the following points:-

- i) Removal of Hundials installed by the Executive Officer and the rights over the existing collections;
- ii) Vacating the prasadam stall which has been licensed to sell prasadam through public auction with effect from 01.07.2013 before expiry of the term and repayment of amount to the auctioneer for the unexpired portion of the period for running the prasadam stall;
- iii) Right over the money accrued from the temple through earnings and deposited in the bank and whether it has to be handed over to Podhu Deekshithars;
- iv) Handing over of the amount to Podhu Deekshithars that has been accrued in the name of the temple and deposited in the bank;

- v) Tallying the revenue and expenditure incurred by the Executive Officer in order to incur major expenses.
5. The Government after careful consideration and examination, decide as follows and passed orders accordingly:-

1. The Executive Officer has to remove Hundials installed by him and whatever money has been collected has to be handed over to Podhu Deekshithars.
2. Prasadam stalls have to be vacated. Since lease period expired on 30.06.2014, there is no refund of amount for unexpired portion.
3. All amounts deposited in bank have to be handed over to Podhu Deekshithars together with interest thereon.
4. Income and Expenditure incurred by Executive Officer has to be tallied and necessary accounts prepared.
6. This order issues with the concurrence of Finance Department vide its U.O. No. 46091/14 / TD & I, Dated 05.09.2014

(By order of the Governor)

R. KANNAN,
Additional Chief Secretary to Government.

To
The Commissioner, Hindu Religious and Charitable Endowments Department,
Chennai-34.
The Secretary, Podhu Deekshithar, Sri Saba Nayagar Temple,
Chidambaram - 608 001.
The Joint Commissioner, Hindu Religious and Charitable Endowments,
Hospital Road, Villupuram.

Copy to:

The Special Personal Assistant to Minister (MA, RD, Law, Courts and Prisons),
Chennai-9.

The Special Personal Assistant to Minister (Hindu Religious and Charitable
Endowments), Chennai-9.

✓ The Private Secretary to Additional Chief Secretary to Government,
Tourism Culture and Religious Endowments Department, Chennai-9.
Tourism Culture and Religious Endowments (General) Department, Chennai-9.
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/Forwarded by order/

R. K. Kannan
Section Officer. 19/9/14