

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

WP No.23708 of 2021

Ayyaa

.. Petitioner

Vs.

1. Government of Tamil Nadu,
through Chief Secretary,
Chief Secretariat, Chennai,
Tamil Nadu.

2. Government of Tamil Nadu,
through HR & CE Department Secretary,
Tamil Nadu Government, Fort St. George,
Chennai.

3. The Commissioner,
HR & CE Department,
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 appoint watchmen in all the temples and also to regularize the salary of all the watchmen's working in the temples equally by following the principle of

"Equal Pay for Equal Work" by considering petitioner's representation dated 29.07.2021 as expeditiously as possible within the time stipulation as prescribed by this court.

For the Petitioner : Mr.N.U.Pressanna

For the Respondents : Mr.R.Shunmugasundaram
Advocate-General
assisted by
Mr.P.Muthukumar,
State Government Pleader.

* * * * *

ORDER

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

The petitioner seeks the appointment of watchmen on a uniform basis in all temples which are under the control of the HR & CE Department in the State.

2. While it appears that not everything may be good with the HR & CE Department and its supervision of temples, the overwhelming number of matters and the extent of interest shown in temple affairs are somewhat baffling.

3. As to whether a temple complex requires watchmen or security guards or the like, is a decision pertaining to the administration of the relevant temple which has to be taken by the persons in administration thereof. Ordinarily, the administration is conducted by the trustees at a temple in conjunction with a fit person who may have been appointed in respect of the temple or the Commissioner of the HR & CE Department. There is no doubt that the HR & CE Department is obliged to ensure that all the property at the various temples under its control are protected, preserved and not wasted. However, the decision as to whether any watchman has to be appointed has to be left to the individual temple complexes and a grievance in respect of a particular temple complex which is neglected may be raised. Such a wide and generic issue cannot be addressed by way of a public interest litigation nor is it advisable for the State to install a watchmen cadre for all the HR & CE monitored temples in the State.

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4. Judicial notice has to be taken of the advertisements recently issued by the State for the purpose of appointing trustees at the

various temple complexes. In another matter, where the decision of the State to melt the gold offerings at the temples was challenged, the court has required the gold not to be sold or melted before trustees are installed at the temples.

5. In other matters, repeated directions have been issued for the State to protect the assets of the temples, including the land which form a part of the property of the relevant temples.

6. This ambitious petition for the purpose of setting up a watchmen cadre in the HR & CE Department to guard the temple complexes under the control of the department cannot be entertained.

WP No.23708 of 2021 is disposed of. There will be no order as to costs.

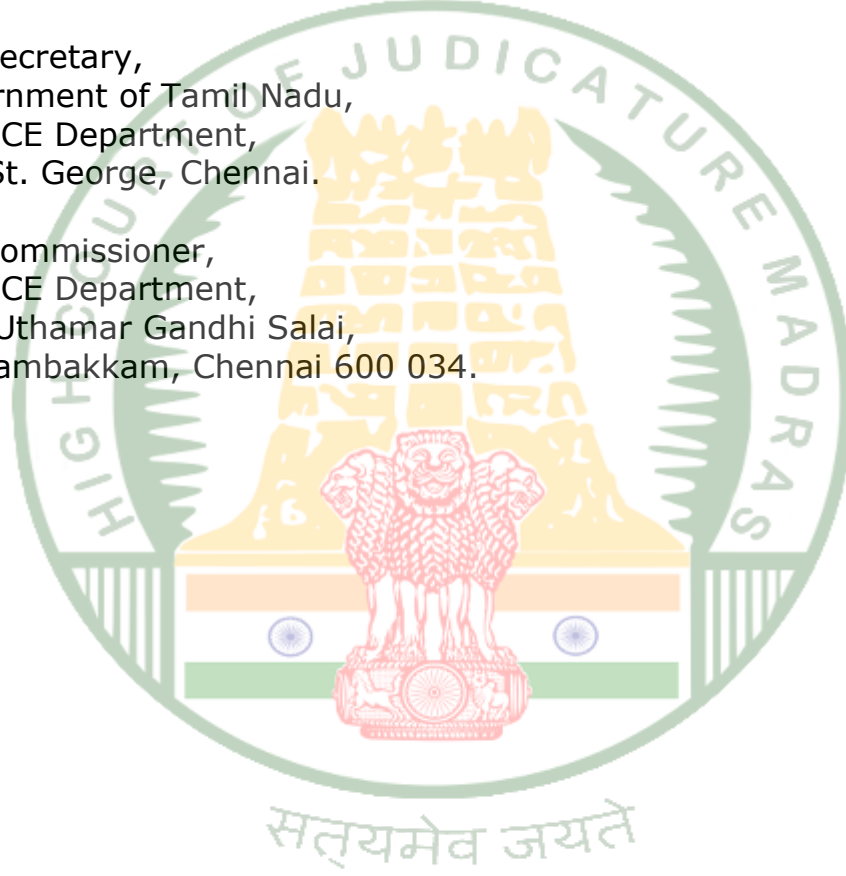
(S.B., CJ.) (P.D.A., J.)

08.11.2021

Index : no
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To:

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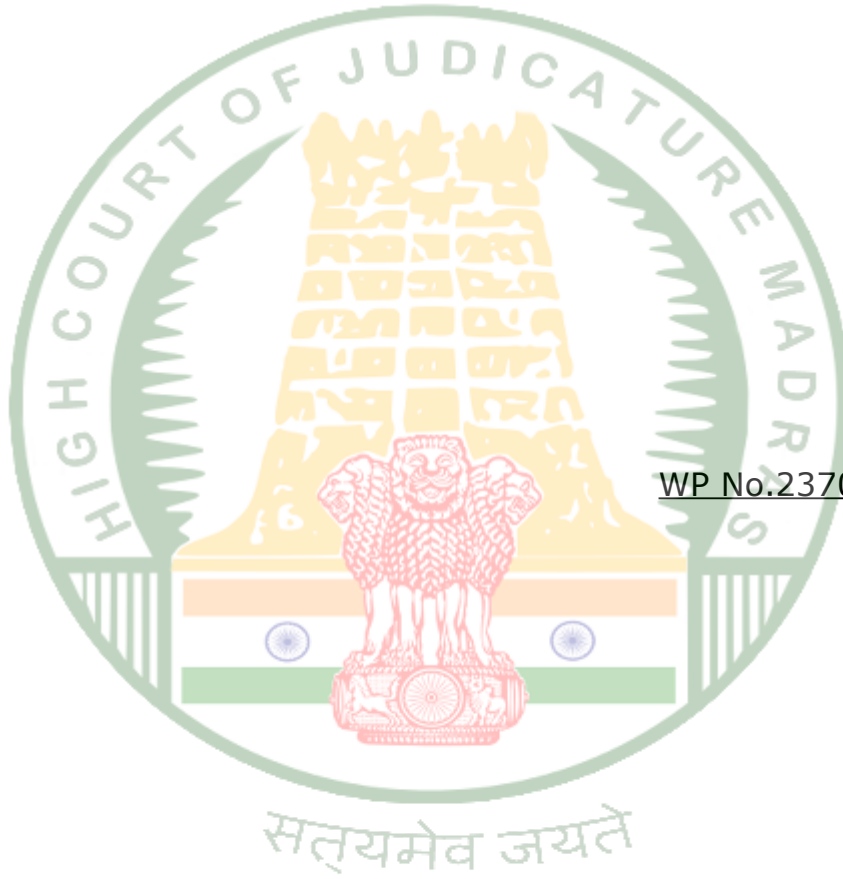


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(sra)



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