



W.P.No.13044 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.13044 of 2022

&

W.M.P.No.12453 of 2022

Kandasamy

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary to Government
Secretariat
Chennai - 9
2. The Director General of Police
State of Tamil Nadu
Dr.Radhakrishnan Road
Mylapore
Chennai
3. The Commissioner
Hindu Religious and Charitable Endowments Department
No.119, Uthamar Gandhi Road
Thousand Lights West
Nungambakkam
Chennai - 34



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4. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Kotaimariamman Temple Campus
Salem District

5. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Krishnagiri District

6. The Superintendent of Police
Salem District

7. The Superintendent of Police
Krishnagiri District

8. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Salem District

9. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Krishnagiri District

10. The Inspector of Police
Allikuttai Police Station
Salem District

11. A. Radhakrishnan ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 10 to constitute a committee and conduct enquiry in respect of the 11th respondent's sudden enhancement of financial and social status at the cost of public interest by using the organization of Thiruthondar Sabhai as a instrument to interfere in the



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administration of the Hindu temples of State of Tamil Nadu and consequently take action on the basis of such an enquiry, after hearing the 11th respondent and the affected members of the Public and officials who were all threatened by him through his unlawful influences.

For Petitioner : Mr.R.Singaravelan
Senior Advocate
for Mr.M.Muruganantham

For Respondents : Ms.V.Yamuna Devi
Special Govt. Pleader
for R1, 2,6,7 and 10

Mr.NRR.Arun Natarajan
Special Govt. Pleader
for R3 to R5, R8 and R9

R11- Mr.A.Radhakrishnan
Party-in-person

ORDER

(made by S.M.SUBRAMANIAM, J.)

The writ on hand has been instituted to direct the respondents 1 to 10 to constitute a committee and conduct enquiry in respect of the 11th respondent's sudden enhancement of financial and social status at the cost of public interest by using the organization of Thiruthondar Sabhai as an instrument to interfere in the administration of the Hindu temples in the State of Tamil Nadu and consequently take action on the basis of such an enquiry, after hearing the 11th respondent and the affected members of the Public.



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2. The learned Senior Counsel appearing on behalf of the petitioner

WEB COPY mainly contended that the 11th respondent is a whistle-blower and filing number of Public Interest Litigations, more specifically, regarding the temple activities across the State of Tamilnadu. He is filing writ petitions for initiation of action against the officials of the Hindu Religious and Charitable Endowments [HR&CE] Department and the temple authorities viz., Trustees etc. While doing so, the 11th respondent is excessively acting inside the temple premises and further threatening the officials and staff of the temples.

3. The learned Senior Counsel further reiterated that the 11th respondent is interfering with the peaceful worship of deity inside the temple by the ordinary devotees. In view of the fact that the 11th respondent is acting excessively by abuse of his position as a whistle-blower, the petitioner has chosen to file the present writ petition.

4. The 11th respondent who appears in person articulated his case by stating that he has no intention to commit any such illegality or irregularity at any point of time. He also states that there were certain quarrel between himself and the officials, but he had no intention to threaten or act in any manner in violation of law.



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WEB COPY 5. In this regard, this Court has asked the 11th respondent to file an affidavit and he filed a detailed affidavit narrating the incidents occurred in temples and in the concluding paragraph, the 11th respondent has stated that he will not indulge in any such illegal activities anywhere and he had no such intention to do so. He has further declared that he will not threaten or influence anyone as alleged by the petitioner. His intention is to safe guard the temple properties, jewels etc., which are all being abused and misused by the custodian of such properties with the collusion of the authorities. While doing so, he earned many enemies and at the instance of those persons several allegations are raised against him.

6. We are of the considered opinion that the petitioner has got a fundamental right to redress his grievances in the manner known to law under the Constitution of India. Such rights conferred to the citizens of our great nation at no circumstances be strangled either by Courts of Law or by the public authorities. Every citizen must be allowed to exercise his rights in the manner known to law to redress the grievances including the public interest. The rights of the whistle-blowers are to be equally protected by the Courts in the interest of public. Very few whistle-blowers are initiating actions against certain



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illegalities committed by the public authorities and the custodians, more specifically in respect of the temple properties. Therefore, their rights are to be protected and they must be allowed to exercise their rights by following the procedures as contemplated under the provisions of the statutes. While doing so, if any excessiveness has been committed by any person, the authorities or the person concerned, are empowered to lodge a complaint both before the concerned higher authorities and before the police authorities for taking all appropriate actions in the manner known to law. In the event of any such complaint the authorities are expected to act immediately by conducting an enquiry and by following the procedures.

7. As far as the present writ petition is concerned, the grievances of the petitioner is that the 11th respondent is acting excessively and taking the law in his own hand. However, the 11th respondent-in-person reiterated that neither he has any such intention to do so nor committed any such offence at any point of time.

8. No doubt, the 11th respondent used to visit the temples and the properties belongs to the temple. However, while doing so, he is not expected to pick up any quarrel with the authorities and he has to approach the Court of



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law or the competent authorities for the purpose of redressing the grievances
including the public grievance.

9. The 11th respondent-in-person again assured before this Court by way of an affidavit that he will not indulge in any such illegal activities or exceed in public places or pick up any quarrel or otherwise with the authorities competent or cause any inconvenience to the ordinary devotees who are all visiting the temples or the temple buildings.

10. The unconditional undertaking both through affidavit and orally submitted by the 11th respondent is recorded.

11. It is to be borne in mind that any citizen while exercising his right has to perform his duties also. Rights and duties are corresponding. A person who is exercising his right must always keep in mind that he has got certain duties towards the fellow citizen of our great nation. Article 51A of the Constitution of India enunciates such duties which are all to be followed by the citizen in general.



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12. Article 51A(e), more specifically enumerates that *"to promote*

WEB COPY *harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women"*.

13. Sub-clause (f) of Article 51A states that *"to value and preserve the rich heritage of our composite culture"*.

14. Sub-clause (i) denotes that *"to safeguard public property and to abjure violence"*.

15. When the Constitution of India enumerates certain duties to be followed by the citizen, any person while exercising the right correspondingly should follow the duties for exercise of such rights. No fundamental right under Part III of the Constitution is absolute and all such rights are subject to restrictions and therefore, the duties at no circumstances be neglected.

16. There is a growing trend of claiming rights alone. However, people are less interested in reminding their duties, which is not a desirable situation



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and cannot be in consonance with the constitutional philosophy. Thus, while

WEB COPY exercising the right, corresponding duty to respect the rights of fellow citizen is

also to be insisted upon. This being the principles mandated under the Constitution, the 11th respondent is expected to be dutiful while dealing with the public causes, since initiation of action on public causes are also of paramount importance.

17. Undoubtedly, large scale corrupt activities are in the public domain, including in temple activities. The vast extent of immovable properties and the jewelleryes belonging to the temples are improperly dealt with. Several cases are also pending before various Courts. The whistle-blowers are bringing out many such public causes before the Courts and their efforts at no circumstances be strangled by any person. But the whistle-blowers while bringing out the public causes, are expected to exercise their rights in the manner known to law and excess exercise or high handedness can never be allowed.

18. The learned Special Government Pleader appearing for the HR & CE Department made a submission that the 11th respondent is filing writ petitions by unnecessarily impleading several authorities, who are all no way connected with the issues, including the Chief Secretary to Government and the said conduct of the 11th respondent is causing certain inconvenience to the public



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19. The 11th respondent made a submission in this regard that herein after he will not implead any unnecessary Government authorities as parties to the litigation and he will continue to do his services in accordance with law.

20. The 11th respondent has made a submission that he will not indulge in any such illegal activities or misbehave with the competent authorities and he is interested in continuing his public services in order to protect the temples and its properties, jewelleryes, etc., and all his actions will be only in accordance with law and by following the procedures.

21. In view of the said undertaking, we do not find any further consideration is required in respect of the grounds raised in this writ petition. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S., J.] [J.S.N.P., J.]
19.05.2022

Index : Yes/No
Internet : Yes
Speaking order / Nonspeaking order



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