

WP(MD)No.22772 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 28.03.2024
Pronounced on : 12.08.2024

CORAM:

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

WP(MD)No.22772 of 2023
and
WMP(MD)No.19027 of 2023

C.S.Vaithyanathan

... Petitioner

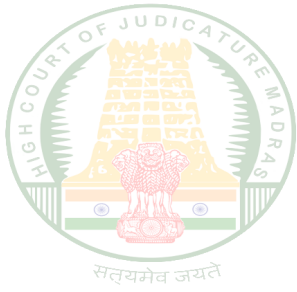
Vs

1.The Commissioner,
Hindu Religious and
Charitable Endowments Department,
Nungambakkam High Road,
Chennai.

2.The Joint Commissioner /
Executive Officer,
Arulmigu Aranganathaswamy Temple Srirangam,
Tiruchirappalli – 620 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records pertaining to S.No.(1), (23) and 35 of the impugned notification in Na.Ka.No.4534/1432/C3 dated 23.08.2023 published by the 2nd respondent and quash the same as illegal.



WEB COPY



WP(MD)No.22772 of 2023

For Petitioner : Mr.C.Arul Vadivel @ Sekar

Sr.Counsel

for Mr.S.Krishnakumar

For Respondent : Mr.P.Subbaraj

No.1 Special Government Pleader

For Respondent : Mr.M.Saravanan

No.2

ORDER

The petitioner has challenged the e-auction / e-tender notification inviting tenders for obtaining licence for obtaining Prasada Stall at Srirangam Arulmigu Aranganathaswamy Temple, dated 23.08.2023.

2.The case of the petitioner is due to onerous conditions imposed in the impugned tender notification he is unable to participate in the tender. Therefore, the petitioner challenges condition Nos.1, 23 and 35 in the impugned tender notification, which reads as follows:



WEB COPY

“திருக்கோயில் பழக்க வழக்கத்திற்குட்பட்டு பிரசாதம் தயார் செய்யலாம். மேற்படி பிரசாதம் தயார் செய்யும் இடத்திற்கு நேரில் சென்று மேற்பார்வை செய்ய திருக்கோயில் பழக்க வழக்கங்கள் நன்கறிந்த ஸ்ரீவைஷ்ணவ சம்பிரதாயத்தை சார்ந்தவர்கள் மட்டுமே இந்த ஏலத்தில் கலந்துகொள்ள தகுதியுடையவர்கள்

23.இத்திருக்கோயிலுக்கு குத்தகை பாக்கி செலுத்தாதவர்கள் திருக்கோயிலுக்கு எதிராக வழக்கு தொடர்ந்தவர்கள் மேற்படி ஏலத்தில் கலந்துகொள்ள அனுமதியில்லை.

35.பிரசாதங்கள் தயாரிப்பில் முன்அனுபவம் பெற்று வைஷ்ணவ திருக்கோயிலில் குறைந்தது பத்து வருடங்கள் பிரசாத கடை டெண்டர் எடுத்து நடத்தியதற்காக முன் அனுபவம் பெற்றிருக்க வேண்டும் அதற்கான ஆதாரம் சமர்ப்பிக்கப்பட வேண்டும். ”



WEB COPY

3.The learned Counsel for the petitioner submits that the petitioner is running prasadam stalls in Shri Arulmigu Arunachaleswarar Temple, Thiruvannamalai and in few other temples for the past 10 years continuously. The petitioner is a Brahmin and since he does not belong to Vaishnava Sect, he is unable to participate in the tender. He qualifies all other conditions of the tender notification. The previous year tender does contain such conditions and no other temple in this State imposes such condition.

4.The learned Counsel for the petitioner submits that the practice of holding licence and engaging in management and running prasada stall Sribandaram Baniyarapodu, Chatrapodu at Srirangam Arulmigu Aranganathaswamy temple is not an integral part of religion and it is secular in character. The prasadam is a food made at Madapalli in a pious way and presented to the deity and distributed to the devotees in small quantity and it is not meant for sale. The most of the food items in the prasadam stalls are not



presented to the deity. The preparation and sale of these food items do not come within the ambit of religious practice but it is a commercial activity of running a food stall in the temple. Therefore, the learned Counsel for the petitioner prays that the conditions be removed.

5.The learned Counsel for the 2nd respondent submits that Sri Arulmigu Aranganathaswamy Temple, Srirangam is a Vaishnavist temple. The sampradayam, which means the established practice and time honoured custom, is followed in the temple is Vaishnavite Sampradayam. The said Sampradayam is called Thenkalai Sampradayam, which is followed in the temple. Therefore condition no.1 does not denote a particular community or caste and therefore, there is no discrimination. The established custom should not be diluted. The religious sentiment of the devotees should not be affected. The petitioner is a Brahmin belonging to Saivite Sect. The petitioner's allegations that no other temple imposed such condition, is not correct, the auction notice produced by the petitioner himself contains similar such conditions.



WEB COPY

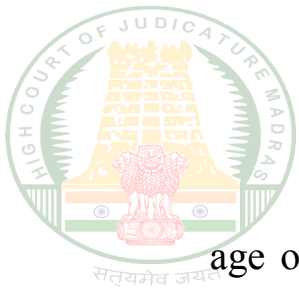
6.He further submits that there is a lot of differences in running the prasada stalls in other temples when compared to the 2nd respondent temple. The Naivatyam the holy food offered to the deity is prepared at Srimadapalli of the temple by the designated pariharahar / cooks and they take the food to the deity for amudhu seithal, which means to serve food or to eat food. Whereas in the 2nd respondent temple certain holy food is prepared at Srimadapalli of the temple situated at the third praharam of the main temple by designated pariharahars and they themselves carry the same for amudhu seithal. Certain other prasadamams are prepared at Srimadapalli managed by the prasada stall contractors. Therefore keeping this tradition, custom and practice in mind, the first condition is stipulated. Srivaishnavite never denotes a particular community. The persons, who are following Vaishnavism are called Srivainavites. Various holy food are prepared at Sripandaram, Paniyarapodu and Chatrapodu for the purpose of Amudhu Seithal to the main deity. Preparation of prasadam and presenting the same to the deity are religious practice and it forms part and parcel of the



WP(MD)No.22772 of 2023

religion. Therefore Sri Pandaram, Paniyarapodu and Chatrapodu are the integral part of the 2nd respondent temple. What is prepared and what is sold in the temple is prasadam. Therefore it cannot be treated as a commercial activity. In order to avoid commercialisation in the temples such conditions are imposed. Insofar as condition No.23 is concerned, whoever is having arrears of rent and who all are acting against the interest of the temple are not allowed to take part in the auction. These conditions are imposed only to protect the temple and in the interest of the temple. Therefore such a condition cannot be said to be illegal. Further condition No.35 has to be read with condition no.1 and therefore, it also cannot be stated as illegal.

7.He also submits that ultimately Sri Aranganathaswamy temple, Srirangam is an ancient temple and is the first Divyashetrams of Lord Vishnu among 108 Divyashetrams. This temple is following Pancharatra Ahama Sastras. The practice of preparing prasadam and presenting to the deity is followed by this temple as per Vaishnava Sampradayam and Ahama Sastras. It is an



WP(MD)No.22772 of 2023

age old custom and practice from time immemorial. Following the custom, the practice prevailing in the 2nd respondent temple and according to the Srivaishnava Sampradhayam, the tender notification has been issued. It is also brought to the notice of this Court that since the petitioner has not renewed GST he was not allowed to take part in the tender and the license has been issued in favour of one V.S.Ragavan and the same is only upto 30.06.2024.

8.This Court considered the rival submissions and perused the materials placed on record.

9.A private individual has filed this writ petition challenging the conditions of tender in running a prasadam stall. Prasadam is an offering that each temple gives out as a blessing to the devotees and it is the divine food that everyone gets in temples. There are different types of Prasadams offered in different temples. Each temple has its own unique prasadam, depending on the deity worshipped in the temple. Prasadam is a material substance of food that is a religious

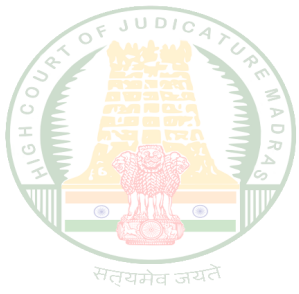


WP(MD)No.22772 of 2023

offering. It is normally consumed by worshippers after worship.

WEB COPY

Prasadam can be termed as Sacrament and Blessed food. This is not just a food to eat but the physical presence of Gods blessing to the worshipper. The food offered is as per the deity's choice. It also depends on the region where the temple is. It is the food that we offer to the deity, who blesses it merely by coming in contact with the food. When offered it is called Naivaidayam and once offered it becomes the divine prasadam. Devotees flock to temples to pray and worship and partake of the temple prasadam, which is believed to be the fruit of their worship and considered highly sacred. Licenses are being issued to run the Prasadam Stalls in the name of the Temple. However the HR and CE Department is leasing out these prasadam stalls to private individuals. It is believed that the deity partakes of and then returns the offering, thereby consecrating it. Such offerings are distributed for the consumption to the worshippers. Such food offered to the deity and distributed in the name of the deity must have its quality and standard.



WP(MD)No.22772 of 2023

WEB COPY

10. Whatever is offered in the Temple as Prasadam, must have its own unique quality and a speciality / tradition. The Laddu, which is offered as a Prasadam at Sri Venkateswara Temple in Tirupathi, is having its own quality and speciality and it has also been recognized with Geographical Identification tag. Similarly, the Prasadam like Palani Panjamirtham [which has also been recognized with GI tag] and Alagarkovil Dosa have their own speciality.

11. In a writ petition when it was verified with regard to the traditional Prasadam of the Aandal Temple, the Executive Officer has explained 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 the Temple to the devotees who are visiting the Temple.

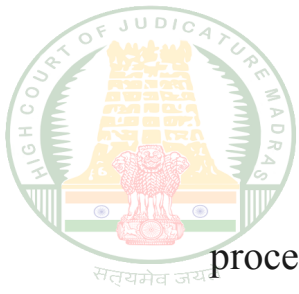
12. It is the duty of the Temple administration to ensure the quality of such Prasadam, which are provided in the Temple. The second respondent in this case while denying the averment of the



WP(MD)No.22772 of 2023

petitioner that it is only a commercial activity, has stated that what is prepared and what is sold in the temple is prasadam. Prasadam means it is the blessings of the deity. While so it is not known why the Department is permitting the private individuals to sell this prasadam, who are treating the same as a commercial activity. Some of the Executive Officers, realising the importance of the Prasadam offered in the name of the temple, have made arrangements to produce the Prasadam 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 Prasadam provided by private individuals, who are doing it as a commercial one.

13.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 other Temples for the past ten years. While so it is not known as to how transparency is ensured in this

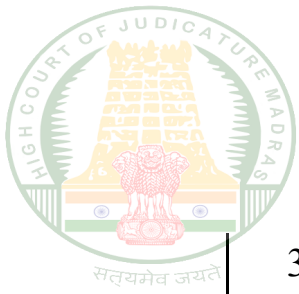


process. One should not loose sight of the fact that Temple is not a place for commercial activities.

14.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

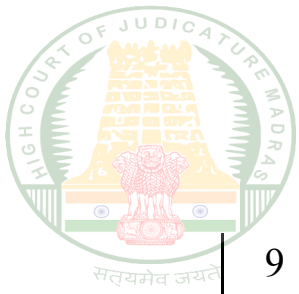


WP(MD)No.22772 of 2023

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	1,62,99,73 6	84,47,202	78,52,534
2	1421	01.07.2011 – 30.06.2012	1,64,00,02 0	81,98,252	82,01,768
3	1422	01.07.2012 – 30.06.2013	1,79,25,16 0	1,01,65,45 3	77,59,707
4	1423	01.07.2013 – 30.06.2014	2,05,69,34 0	1,24,55,95 1	81,13,389
5	1424	01.07.2014 – 30.06.2015	2,12,06,66 0	1,16,42,75 4	95,63,281
6	1425	01.07.2015 – 30.06.2016	2,22,36,18 6	1,28,16,90 5	94,23,281
7	1426	01.07.2016 – 30.06.2017	2,19,47,37 0	1,19,21,45 4	1,00,25,9 16
8	1427	01.07.2017 – 30.06.2018	2,67,22,38 0	1,51,55,18 5	1,15,67,1 85



WP(MD)No.22772 of 2023

9	1428	01.07.2018 – 30.06.2019	2,82,69,08 0	1,49,36,51 9	1,33,32,5 61
10	1429	01.07.2019 – 30.06.2020	2,19,95,61 0	1,35,31,52 9	84,64,081
11	1430	01.07.2020 – 30.06.2021	2,25,21,88 0	1,45,27,53 1	79,94,349
12	1431	01.07.2021 – 30.06.2022	3,52,82,49 0	2,17,36,47 4	1,35,46,0 16
13	1432	01.07.2022 – 30.06.2023	4,62,49,64 0	3,38,57,01 9	1,23,92,6 21
14	1433	01.07.2023 – 29.02.2024 (8 months)	3,82,37,85 0	3,02,71,32 6	79,66,524

15. From the above, it is clear that the Temple can generate higher income through these Prasadam Stalls preparing 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 more income for the Temple through these Prasadams, if proper infrastructure is provided. Income is not the criteria, but it must also have the quality, hygiene etc., When it is sold as a prasadam of the deity, it is the responsibility of the Executive Officer that these Prasadams are offered with more quality. This can



WP(MD)No.22772 of 2023

be achieved only when these Prasadam are prepared by the Temple itself, the Temple administration. The offerings if any sold in the name of the temple must possess certain standards and the same can be achieved only by the Department. If it is possible at Alagarkovil, and Murugan temple at Palani and few other temples, it is also possible in the remaining temples.

16. India is beautifully embedded with temples of all kinds. These temples not only make our country religiously rich but also fill up with historical pride. They are not only architectural wonders but also attract tourists not just from across India but across the globe. Temples in Hinduism are centres of religious worship and hubs of social interaction. The deities are worshipped ritualistically and the temple prasadam forms a key element of the worship and it gives immense satisfaction to its devotees.



WP(MD)No.22772 of 2023

17.It is reported that the Tamil Nadu Hindu Religious and Charitable Endowments Department, in collaboration with Department of Posts, Tamil Nadu Circle, on 18.05.2023 has launched the booking of temple Prasadam through web portal of HR & CE Department and despatch of Prasadam through Speed Post of Postal Department. While so the department can also work out the possibility of preparing the prasadam on their own without leasing it to individual / commercial operators.

18.Considering the significance of the temple prasadam and the experience gained by the Department from Alagar Temple and Meenakshi Amman Tmepole, 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 and find out the possibility of preparing and distributing prasadam to the devotees by the department itself in the interest of the public, temple and without commercializing the same.



WP(MD)No.22772 of 2023

WEB COPY

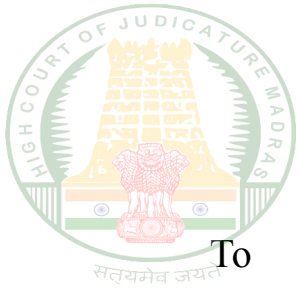
19. Considering the grounds raised by the petitioner and considering the counter affidavit filed by the respondent, this Court does not find any merit in the petition and therefore this Court is not inclined to entertain this writ petition. Every temple has its unique customs and traditions which is to be recognised and respected by the temple administration. The term vaishnavite does not denote a particular community. All those worship Lord Perumal are Vaishnavite and it cannot be termed as a discrimination. Moreover the petitioner has not renewed his GST registration and therefore, he was not allowed to participate in the tender. The licence was also issued in favour of one VS.Ragavan and his period ended on 30.06.2024. Therefore, this writ petition is dismissed. No costs.

12.08.2024

Internet : Yes / No

Index : Yes / No

DSK



WP(MD)No.22772 of 2023

To

WEB COPY

1. The Commissioner,
Hindu Religious and
Charitable Endowments Department,
Nungambakkam High Road,
Chennai.
2. The Joint Commissioner /
Executive Officer,
Arulmigu Aranganathaswamy Temple Srirangam,
Tiruchirappalli – 620 006.



WEB COPY

VERDICTUM.IN



WP(MD)No.22772 of 2023

B.PUGALENDHI, J.

dsk

WP(MD)No.22772 of 2023

12.08.2024