



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.11.2022

DATE OF DECISION : 14.12.2022

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

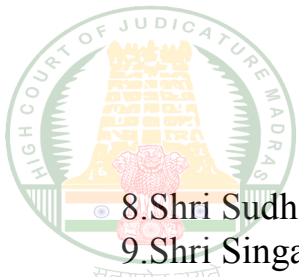
W.P.No.28799 of 2018

Rangarajan Narasimhan

.. Petitioner

Versus

- 1.The Board of Trustees,  
Sri Ranganatha Swamy Temple,  
Srirangam, Trichy – 620 006.
- 2.The State of Tamil Nadu,  
Rep. by its Secretary,  
Department of Tamil Development, Culture,  
Religious Endowments & Information,  
Secretariat, Fort St. George, Chennai – 9.
- 3.The Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Uthamar Gandhi Salai, Nungambakkam,  
Chennai – 34.
- 4.The Executive Officer/Joint Commissioner,  
Sri Ranganatha Swamy Temple,  
Srirangam, Trichy – 620 006.
- 5.Shri. Ko.Ka.Va.Annan Thiruvenkatachariar
- 6.Shri. U.Ve.Kovil Vedavyasa Senthamaraikannan Bhattar
- 7.Shri U.Ve.Badri Narayana Bhattar



8. Shri Sudharshana Rangachar
9. Shri Singaperumal Uthama Nambi
10. Shri U.Ve.P.R.Sundararaja Chariar Swamy
11. Shri R. Varadhachary Swamy
12. Shri U.Ve.Manivannan Swamy
13. Shri P.P.R.Varadharajan
14. Shri K.K.V. Govindaraja Bhavanachariar
15. Shri U.Ve.Kidambi Swamy

16. Archakars,  
Rep. by Mr.Muralidhara Bhattar, Head Archakar,  
Shri Ranganatha Swamy Temple,  
Srirangam, Trichy – 620 006.

17. The Comptroller and Auditor General of India,  
O/. Comptroller Audit General,  
9, Deendayal Upadhyay Marg,  
New Delhi – 110 124.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus forbearing the respondents 1, 3 and 4 from having any kind of control over the secular and non-secular affairs of Shri Ranganatha Swamy Temple, Srirangam, Trichy – 620 006.

For Petitioner : Mr.Rangarajan Narasimhan  
(Party-in-person)

For R1 : Mr.V.Giri, Senior Counsel  
for Mr.R.Bharanidharan

For R2 & R3 : Mr.R.Shunmugasundaram, Advocate General  
Assist. By Mr.N.R.R.Arun Natarajan, Spl.GP

For R4 : Mr.R.Bharanidharan

For R5, 6, 10 & 12 to 14 : Mr.T.S.Vijaya Raghavan

For R16 : Mrs.Meenal

For R17 : Mr.V.Vijayshankar



**ORDER**

**The Hon'ble Acting Chief Justice**

The petitioner, being a resident of Srirangam, Trichy, and claiming to be an ardent practitioner of Sanathana Dharma and follower of Sri Vaishnava tradition, has filed this writ petition styled as Public Interest Litigation seeking for issuance of a writ of mandamus forbearing the respondents 1, 3 and 4 from having any kind of control over the secular and non-secular affairs of Shri Ranganatha Swamy Temple, Srirangam, Trichy.

2. Pending writ petition, he sought for the following interim reliefs:-

a) to direct the 17<sup>th</sup> respondent to conduct an audit in Shri Ranganatha Swamy Temple, Srirangam, Trichy, from 2000 to till date;

b) to appoint a committee of trustworthy persons headed by the Hon'ble Hindu Judge of this Court comprising of Experts in the fields of Accounts, Temple management, Technology and a representation from the Public, in Shri Ranganatha Swamy Temple, Srirangam, Trichy, for a period of 3 years to ensure proper management and direct them to file monthly reports to the Court;

c) to conduct daily Poojas, Utsavas and other religious activities in the temple as laid down by the Agama Shastras and Sri Vaishnava Sampradhaya, and as laid by Swami Ramanujacharya under the direct supervision and leadership of the fifth



respondent with the able support of respondents 6 to 15; and

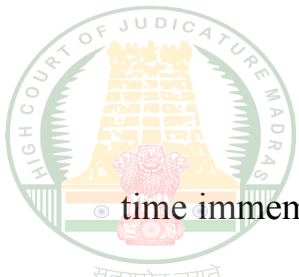
d) to direct the third respondent to remove the fourth respondent as per the order passed by this Court in W.P.No.2587 of 2017, dated 13.02.2017 read with order passed on 02.02.2017.

3. Mr.Rangarajan Narasimhan, appearing as party-in-person, submitted that he is the person having interest in the affairs of Hindu Temples as defined under Section 6(15) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 (in short "HR&CE Act"). He is interested in the preservation of the religious institutions and sanctity of Sanathana Dharma religion. He further claims that he does not have any personal interest. Explaining further, the petitioner submitted that for Shri Ranganatha Swamy Temple, Srirangam, the abode of Shri Ranganatha Swamy descended from Thirupparkadal (the Milky Ocean). The deity was worshiped by Lord Brahma in Sathyalokha and brought to Ayodhya by the great King Ikshvaku and later worshiped by Lord Rama himself during Thretha Yuga and it was installed by Shri Vibeeshana on his way back to Sri Lanka after the consecration of Shiri Rama as the King of Ayodhya. He further submitted that Shri Ranganatha Swamy Temple is the largest temple in India and one of the largest religious complexes in the World. The temple follows Thenkalai tradition of Sri Vaishnavism as reformed by Swami Ramanujacharya. The temple is mentioned in



the Sangam era (1<sup>st</sup> to 4<sup>th</sup> century AD) and the inscriptions in the temple belong to the Chola, Pandya, Hoysala and Vijayanagar dynasties. The Archaeological Survey of India has a dedicated volume for Srirangam inscriptions in ASI Epigraphia Indica Volume XXIV. This temple has more than 800 inscriptions, of which, nearly 640 inscriptions are on temple walls and monuments. It is further submitted that the temple has 17 major gopurams (towers), 39 pavilions, 56 shrines, 9 sacred water pools, Ayiram Kaal mandapam ( a hall of 1000 pillars) and several small water bodies.

4. He further submitted that Shri Ranganathaswamy temple is the only one out of 108 temples that was sung in praise by all the Ahzwaras (Divine saints of Tamil Bhakthi movement), having a total of 247 pasurams (divine hymns) against its name. Acharyas (guru) of all schools of thought, namely, Advaita, Vishistadvaita and Dvaita, recognize the immense significance of the temple regardless of their affiliations. Finally, the party-in-person submitted that the rites and rituals of this temple have been laid down by Swami Ramanujacharya 1000 years ago. For the management of the temple, Swami Ramanujacharya had appointed Swami Muthaliandan and Swami Koorathazawan and for temple administration, Swami Koil Annan was appointed. It is further submitted that Sthalathars and Theerthakaras are heading all the religious Utsavas and ceremonies of the temple till date and from



time immemorial, the Sthalathars are the local managers and it is recorded in several orders passed by the Court since the early 19<sup>th</sup> century. After the last Jeeyar Swami of the temple attained the Lord's abode, next successor is yet to be identified.

5. Explaining further, the party-in-person submitted that all the Acharya Purushas appointed by Swami Ramanujacharya, 74 in number, and the Acharyas appointed by Swami Manavala Mamunigal, 8 in number, are revered by Sri Vaishnavas following the Thennacharya Sampradhaya, which is the Sampradhaya of this temple from time immemorial. Shri Ranganatha Swamy temple has Utsavams (festival) throughout the year and this is a place where every Sri Vaishnava considers as holier than any other place in earth just because all the Azhwars have sung about Shri Ranganatha. It is believed that all the other 107 Divya Desam Perumal will come to Srirangam every night and the next day the entire 33 crores Devatas will come to Srirangam to have Dharshan of Shri Ranganatha Swamy early in the morning during Vishwaroopa Seva. This event is explained by Thondaradipodi Azhwar who has sung Thirupalli Ezhuchi to wake up Shri Ranganatha Swamy. Administration of this temple was reformed by Swami Ramanujacharya 1000 years ago and the Sannidhi (shirne) for Swami Ramanujacharya is also preserved inside the temple premise and as a mark of respect, 4000 Divya Prabhandas are recited twice a day on all days in Swami Ramanujacharya Sannidhi.



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6. When this being the factual aspect of the Temple, the party-in-person assailing the approach of the respondents 1 and 4, argued that the respondents 1 and 4 have formed a league among themselves and they have been ruling the temple with no regards to the age-old tradition and Sri Vaishnava Sampradhaya. It is further submitted that the first respondent has misused the powers vested in the Board of Trustees and has appointed numerous touts in the temple who have no connection with the affairs of the temple and this apart, they have also made several changes in the physical structure of the temple including the celestial body of the main deity of Shri Ranganatha Swamy. Therefore, left with no other remedy, the petitioner has been advised to file this Public Interest Litigation. It is further submitted that when several complaints have been made to the official respondents, they have never bothered to acknowledge any of his complaints. Besides, the respondents 1 and 4 have been acting against the philosophy of Sri Vaishnava Sampradhaya and they have even denied the right to worship as guaranteed under the Constitution of India to many devotees.

7. It is further submitted that the petitioner has also filed W.P.No.2587 of 2017 highlighting that the second prakara of Shri Ranganatha Swamy Temple is blocked by the respondents 1 and 4 resulting the denial of fundamental right to worship. The party-in-person has further argued that the respondents 1 and 4 have the habit of



stopping the Vishwaroopa Seva and other important religious Poojas and they are acting against the interest of Sri Vaishnava Sampradhaya in particular and Sanathana Dharma in general. It is the grievance of the petitioner that the respondents 1 and 4 have passed verbal orders directing the 16<sup>th</sup> respondent/Archakars not to conduct the daily poojas for no reason and that the fourth respondent has been interfering with the religious affairs of the temple blatantly, hence, this has to be stopped, he pleaded.

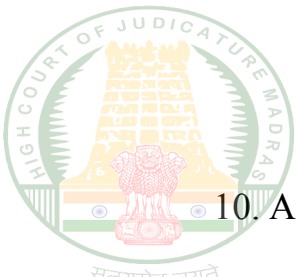
8. Continuing further, he has submitted that the fourth respondent is a Government Servant and therefore, it is not for him to decide on the religious affairs of the temple, because, he is not a Sri Vaishnava and is not expected to understand the nuances of Sri Vaishnava Sampradhaya. It is further submitted that the respondents 1 and 4 have stopped Poojas on Deepavali days, Telugu and Tamil New Year days, Vaikunta Ekadasi Day and many other auspicious days without any rhyme or reason. The practice of Sayana Seva was never in practice in this temple, yet, the respondents 1 and 4 introduced the same with no consultation whatsoever with anyone of Thennacharya Sri Vaishnava Acharya Purushas (Sthalathars, Theerthakaras and others). This practice of the fourth respondent is a gross violation of the rights guaranteed under the Constitution of India. It is further argued that the fourth respondent has been charing the devotees to adorn Lord with ornaments and on one occasion, on the instigation of fourth respondent, staff working in the temple





manhandled a devotee, as a result, in view of autocratic way of administering the temple, the respondents 1 and 4 have virtually made it impossible for the conman man to have dharsan in the temple. When this Court in its order dated 02.02.2017 passed in W.P.No.2587 of 2017 declared the fourth respondent as unfit, yet, no action has been taken against him, he pleaded.

9. With regard to annual audit of the temple, the party-in-person argued that the annual audit of the temple was lastly conducted in the year 2015 and thereafter, the official respondents have not taken any step to conduct the audit annually, which is against the HR&CE Act, and they do not maintain the records of the temple. This apart, the respondents 1 and 4 have altered the structure of the main deity, Shri Ranganatha Swamy Moolavar during the renovation work and they have even changed Utsava Moorthy, Shri Namperumal, which are believed to be made of Pure Gold. When the Government of Tamil Nadu recommended to enlist the temple in question in the tentative list of world heritage sites, the respondents 1 and 4 have acted against the said recommendation. Therefore, although several representations have been made, no step has been taken, hence, a suitable mandamus may be issued forbearing the respondents 1, 3 and 4 from having any kind of control over the secular and non-secular affairs of Shri Ranganatha Swamy Temple, Srirangam, Trichy, and directing the 17<sup>th</sup> respondent to conduct an audit of the temple.



10. A detailed counter affidavit has been filed by the first respondent/Board of Trustees. Mr.V.Giri, learned Senior Counsel for the first respondent, submitted that

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the petitioner has wrongly impleaded the Board of Trustees as first respondent by filing this writ petition in the year 2018 and at that time, there were 5 Board of Trustees, in which, Mr.K.N.Srinivasan was one among them. The petitioner has not made out a prima-facie case for interference of this Court, inasmuch as the averments made in the affidavit are absolutely vague, frivolous and devoid of any merit. Therefore, the first respondent has raised the question of maintainability of the writ petition. Moreover, the writ petition has become infructuous for the reason that one of the interim relief sought for by the petitioner to remove the fourth respondent/Mr.P.Jayaraman from the temple has already taken place, because, in that place, one Mr.Marimuthu was appointed as Executive Officer/Joint Commissioner. Therefore, on that score, writ petition has to fail. Further, the allegations that the respondents 1 and 4 have formed a league among themselves and that they are ruling the temple as per their whims and fancies are frivolous.

11. It is further submitted that the Board of Trustees are required to work in a conducive manner with the Executive Officer of the temple for the interest of the temple and therefore, the first respondent has been functioning in accordance with the powers vested in it as per the scheme formulated by this Court and thus, it clearly



reflects that the first respondent has rightly played the role respecting the religious faith and belief. It is further argued that the first respondent has undertaken the renovation work for the preservation and betterment of the temple and all the works have been done as per the law with the approval and orders obtained from the Government, therefore, the allegation made by the petitioner that the first respondent has misused the powers vested in it by appointing the numerous touts in the temple is without any merit.

12. Assailing the averments made by the petitioner with regard to entrusting the accounts of the temple to the CAG, learned Senior Counsel argued that the petitioner has sought for an additional prayer in the affidavit itself for a direction to the 17<sup>th</sup> respondent to conduct an audit of the temple account, without filing any separate petition for the same, therefore, the said prayer cannot be considered legally.

13. Concluding his arguments, learned Senior Counsel submitted that when the audit of temple accounts have been brought under the purview of the Director General of Audit, who has the power to order Financial Audit, Transaction Audit or Performance Audit, there is no need to conduct audit of the temple in question by the CAG as prayed for by the petitioner, therefore, the writ petition is liable to be dismissed.



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14. Mr.R.Shunmugasundaram, learned Advocate General, assisted by Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, for the respondents 2 and 3, submitted that the writ petition filed by the petitioner without challenging the scheme of administration upheld by this Court in A.S.Nos.328 and 355 of 1913, dated 19.11.1915 is meritless. Besides, when the petitioner has a remedy available under Section 92 of the Civil Procedure Code, without availing such civil remedy, filing of the present writ petition to restrain the respondents 1, 3 and 4 from performing their duties in relation to the temple, is ex-facie impermissible.

15. Learned Advocate General further argued that since the temple in question is being administered by the HR&CE Department without showing any favour or discrimination on the ground of caste, religion, sex, etc., the relief sought for by the petitioner to appoint a Committee of trust worthy persons headed by a Judge of this Court would amount to removal of the trustees appointed by the Government. Therefore, on this score, the writ petition must fail.

16. Replying to the contention of the party-in-person that the CAG has to conduct the audit of the temple in question, learned Advocate General submitted that the Government of Tamil Nadu has provided financial assistance to various religious



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institutions as grant for its maintenance, more particularly in G.O.Ms.No.24, Tamil Development, Religious Endowments and Information (RE 5.1) Department, dated 25.01.2008, annual grant of the Government was increased to Rs.3 crores for renovation of the temple coming under the HR&CE Department. Explaining further learned Advocate General submitted that the accounts, registers and other related records and files of the religious institution have to be maintained in accordance with Section 87(1) of the HR&CE Act. Even the details regarding the appointment of Auditors are maintained and the Auditors are being appointed in accordance with sub-section 2 of Section 87 of the HR&CE Act. It is further argued that to have transparency in the audit of accounts of the religious institutions, the present audit wing under the control of the HR&CE Department has been separated and brought under the direct control of the Finance Department of Government of Tamil Nadu vide G.O.(Ms.).No.181, Tourism, Culture and Religious Endowments (RE2-2) Department, dated 25.11.2021. Therefore, the writ petition filed by the petitioner seeking for a direction to audit the accounts of the temple in question without verifying the existing fact has to be deprecated by this Court, because, when the audit of the temple has been done in a regular manner, frivolous prayer made by the petitioner is liable to be rejected.



17. The fourth respondent has filed the counter affidavit reiterating the stand taken by the third respondent in his counter affidavit.

18. Heard Mr.T.S.Vijaya Raghavan, for the respondents 5, 6, 10 and 12 to 14, Mrs.R.Meenal, learned counsel for the sixteenth respondent and Mr.V.Vijayshankar, learned counsel for seventeenth respondent; and perused the materials available before this Court.

19. Sri Ranganathaswamy Temple is highly revered by devotees as first Divya Desam of Vaishnavite temples in the world and a heritage temple for its temple architecture. The writ petition was filed in the year 2018 by the party-in-person levelling several allegations against the Executive Officer/Joint Commissioner of Sri Ranganatha Swamy Temple, Srirangam, Trichy, and at that time, one Mr.P.Jayaraman was functioning in such capacity, but, now, as could be seen from the counter affidavit filed by the first respondent, in his place, one Mr.Marimuthu has been appointed. Therefore, pending writ petition, since the person concerned got transferred and that in his place, one Mr.Marimuthu has been appointed as Executive Officer of the temple in question, the allegation made by the petitioner has become infructuous.



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20. The second grievance of the petitioner is that the activities of the respondents 1 and 4 are against the religious affairs of the temple in question and therefore, a Committee headed by a Hindu Judge has to be appointed to administer the day-to-day affairs of the temple. But, this allegation has been replied by the Joint Commissioner in his counter affidavit stating that if any new committee is appointed to administer the temple, then this would be against the Scheme of Administration upheld by this Court in A.S.Nos.328 and 355 of 1913, dated 19.11.1915 and Board Order Nos.1750 and 675, dated 12.05.1941 and 02.03.1942 respectively. Therefore, in our considered view, if the prayer sought for the petitioner is entertained, then this would virtually amount to removal of the Board of Trustees appointed by the Government as per the Scheme governing the administration of the temple comprising of a hereditary Sthalathar trustee, a Thengalai Trustee, a Vadakalai Trustee, a Madhwa Trustee and a Saivite Trustee, hence, such a prayer to remove all the above trustees is not legally sustainable as it is against the very scheme of the temple. Besides, the petitioner has neither challenged the scheme of administration upheld by this Court nor the orders of the Board, hence, the present writ petition is not legally maintainable.

21. Thirdly, another grievance of the petitioner is that some of the daily poojas are not performed by the respondents 1 and 4. But, no evidence has been produced



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how the regular poojas performed by the temple authorities have been given up or modified. On the other hand, the counter affidavits filed by the authorities would depict that they have been performing the poojas in all the auspicious and festival days in accordance with Agama Sastras and in all those days, many devotees have been allowed to exercise their right to worship from morning to night. Therefore, these are the matters to be delved into by the competent Civil Court so that the parties can very well adduce their oral and documentary evidence and hence, this Court sitting under Article 226 of the Constitution of India cannot intervene in a religious matter.

22. Fourthly, the petitioner has made another prayer seeking a direction to the 17<sup>th</sup> respondent/CAG to conduct an audit of the temple in question from 2000 to till date. The Commissioner in his counter affidavit denying the same stated that the Government is providing financial assistance to various religious institutions as grant for its maintenance and therefore, for those temples, audit cannot be done by the CAG. Explaining further, the Commissioner elicited some of the financial assistance granted to the temple by the Government as stated below:-

(i) The annual grant of the Government was increased to Rs.3 crores for renovation of all the temples which are under the control of the HR&CE Department vide G.O.(Ms.)No.24, Tamil Development, Religious Endowments and Information





(RE 5.1) Department, dated 25.01.2008.

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(ii) The amount of Rs.3 crores sanctioned in the above said Government Order was further increased to Rs.6 crores per annum vide G.O.(Ms.) No.324, T.C.&R.E. Department, dated 20.12.2013.

(iii) Vide G.O.(Ms.) No.156, T.C.&R.E. Department, dated 12.11.2021, the annual Government grant was enhanced to Rs.3 crores for maintenance of 225 temples under the management of Pudukkottai Devasthanams.

(iv) Vide G.O.Ms.No.195, T.C.&R.E.(RE 3.2) Department, dated 08.08.2022, Rs.3 crores was sanctioned for administration and maintenance of 88 temples under the Thanjavur Palace Devasthanam.

(v) Vide G.O.Ms.No.141, T.C.&R.E.(RE 5.1) Department, dated 28.10.2021, Rs.130 crores was sanctioned to enhance the corpus under “Oru Kala Pooja Scheme” from Rs.1 lakh to Rs.2 lakhs per temple.

(vi) Under the above said schemes, 12959 temples have been benefited.

23. Apart from the above, it is seen that the accounts of the Srirangam Arulmighu Ranganatha Swamy temple are properly audited and the audit has been completed upto Fasli 1430, namely, 30.06.2021. Moreover, the accounts of the temple are audited by the Audit Department of Hindu Religious Institutions, which is under the control of the Finance Department, Government of Tamil Nadu. This



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apart, a perusal of The Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 (in short "the Act") shows that if any authority or body has to be audited by the CAG, the said authority or body should fall within the provisions of the Act. Section 14 of the Act empowers the CAG to Audit the receipts and expenditure of bodies or authorities substantially financed from the revenues of Union and State Government and for better appreciation, the same is extracted hereunder:-

*"14 (1) Where any body or authority is substantially financed by grants or loans from the Consolidated Fund of India or any State or Union territory having a Legislative Assembly, the Comptroller and Auditor General shall, subject to the provisions of any law for the time being in force applicable to the body or authority, as the case may be, audit all receipts and expenditure of that body or authority and to report on the receipts and expenditure audited by him."*

In the light of the above provision, if we look at the case on hand, the audit by the CAG invoking the powers under the The Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971, does not arise, for, the temple in question under the control of the HR&CE Department is not established/created under any statute. Besides, it is to be noted that in the State of Tamil Nadu, the assets and financial accounts of the temples are being audited by the respective temples and this is being scrutinized by the separate Audit Department Unit under



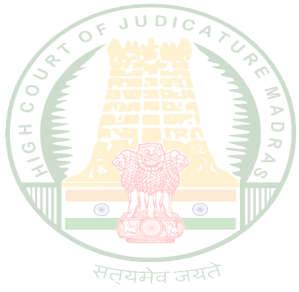
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the control of the Indian Civil Service Officer and Finance Department of the Government of Tamil Nadu, hence, the prayer of the petitioner seeking a direction to the CAG to conduct an audit of the temple in question is not legally sustainable, hence, the same is liable to fail. This apart, there is no any material evidence produced to show mal-administration or malafide functioning of the temple in question. Thus, for all the reasons stated above, we are of the considered view that the writ petition is devoid of any merit and it is dismissed accordingly. No Costs.

(T.R., ACJ.) (D.K.K., J.)  
14.12.2022

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Index:yes/no  
Speaking/non-speaking

THE HON'BLE ACTING CHIEF JUSTICE



and  
D.BHARATHA CHAKRAVARTHY, J.  
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- To
- 1.The Secretary,  
Department of Tamil Development, Culture,  
Religious Endowments & Information,  
Secretariat, Fort St. George, Chennai – 9.
  - 2.The Commissioner,  
Hindu Religious & Charitable Endowments Department,  
Uthamar Gandhi Salai, Nungambakkam,  
Chennai – 34.
  - 3.The Executive Officer/Joint Commissioner,  
Sri Ranganatha Swamy Temple,  
Srirangam, Trichy – 620 006.
  - 4.The Comptroller and Auditor General of India,  
O/. Comptroller Audit General,  
9, Deendayal Upadhyay Marg,  
New Delhi – 110 124.

W.P.No.28799 of 2018

14.12.2022