

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

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

W.P.No.18418 of 2021

Rangarajan Narsimhan

... Petitioner-in  
Person

Vs.

1.The Principal Secretary,  
Tourism, Culture & Religious Endowments,  
Secretariat, Fort St. George,  
Chennai - 600 009.

2.The Commissioner,  
Hindu Religious and Charitable Endowments,  
119, Uthamar Gandhi Salai,  
Nungambakkam, Chennai - 600 034.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents from interfering in the religious affairs and altering the religious practices of Hindu Religious Institutions in any manner and a further direction to the respondents to withdraw the Annai Thamizhil Archanai scheme introduced by the respondents.

For the Petitioner : Mr.Rangarajan Narasimhan  
Party-in-person

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 grievance of the petitioner in this public interest litigation is that the State Government is purporting to interfere in the religious affairs and altering the religious practices of Hindu religious institutions in temples. The grievance appears to be particularly against the Hindu Religious and Charitable Endowments Department which is in control of a large number of temples in this State.

2. The petitioner claims that most of the temples have been set up according to the agama principles and it has been the age-old tradition for mantras to be chanted in Sanskrit language. According to the petitioner, the very sanctity of the mantras is destroyed if not chanted in Sanskrit.

3. The petitioner refers to a judgment rendered by a Division Bench of this court on December 16, 1998 in W.P.No.18273 of 1998 (*Pasha Karupiah v. State of Tamil Nadu*). The petitioner relies on paragraph 18 of the judgment to assert that it has already been accepted in this court that the language in which the mantras would be chanted may only be Sanskrit. Paragraph 18 of the relevant judgment reads as follows:

"18. The plea of the petitioner is to bring about a change in the language of worship in religious institutions belonging to Hindus. The Court cannot compel the use of a particular language and the exclusion of other languages in the religious institutions of this State at the instance of the petitioner. The plea of the petitioner is to violate and not to protect the constitutionally guaranteed right to profess, practice and propogate one's religion."

4. There is a later judgment of this court reported at 2008-2-L.W. 236 (*V.S.Sivakumar v. M.Pitchai Battar*), also rendered by a Division Bench, where the question posed before the court is recorded in the first paragraph: whether providing for archanas to be performed in Tamil at the request of the devotees in addition to the

existing practice of reciting archanas in Sanskrit, would offend the right to profess Hindu religion guaranteed under Article 25 of the Constitution. The issue is squarely answered at paragraphs 50 and 51 of the report. The court held that there was nothing in the agamas or in other religious scripts to prohibit the chanting of mantras in Tamil in temples. The court also held that the choice was vested with the devotees to seek for their archanas to be performed at their wishes by chanting mantras either in Tamil or in Sanskrit.

5. As would be evident from the earlier judgment of this court relied upon by the petitioner herein, the issue there was whether the court would compel the use of a particular language and exclude other languages in Hindu religious institutions in the State at the behest of the petitioner. It was in such context, where the petitioner insisted that Tamil alone must be the language in which mantras ought to be chanted in temples in this State, the court found that the plea was unjustified and dismissed the petition. The larger issue as to whether mantras may be chanted in Tamil at the behest of the devotee apart from the practice in the temples of chanting such mantras in Sanskrit has been dealt with in the later judgment of

*V.S.Sivakumar.*

6. Nothing that the petitioner cites would permit this court to take a view at variance with the one expressed in *V.S.Sivakumar*. In the event the petitioner requires a re-assessment, it has to be at an altogether different level.

7. Judicial discipline commands that when an issue has been decided, unless the circumstances have changed or the decision on the issue is rendered suspect on account of the judgment not taking the applicable law into account or any pronouncement of a superior forum has intervened, the matter may not be revisited. There is no change in the circumstances and no case is made out for reconsidering a matter that has been concluded in the year 2008 and instructs the manner in which mantras may be chanted in temples in the State.

8. Since the only issue which the petitioner raises is covered in the previous judgment of this court which remains binding, there is no merit in the present petition for it to be admitted.

9. W.P.No.18418 of 2021 is dismissed at the receiving stage on the grounds indicated above. W.M.P.No.19634 of 2021 is closed.

There will, however, be no order as to costs.

(S.B., CJ.)

(P.D.A., J.)

03.09.2021

Index : No  
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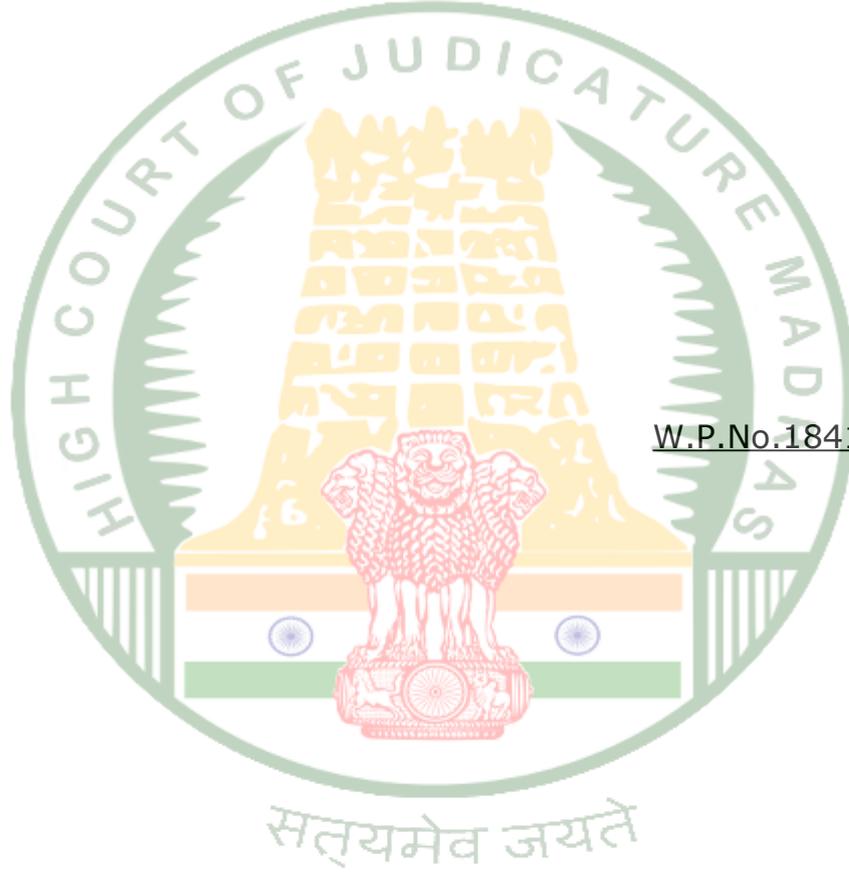
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