

(2023) 06 OHC CK 0033

In the Orissa High Court

Case No : Writ Petition (C) No.18116 Of 2023

Madhusudan Pujapanda

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 08-06-2023

Acts Referred:

Citation : (2023) 06 OHC CK 0033

Hon'ble Judges : S.K. Sahoo, J;M.S. Raman, J

Bench : Division Bench

Advocate : Laxmidhar Dash, Suman Pattnaik

Final Decision : Disposed Of

Judgement

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner-Madhusudan Pujapanda has filed this writ petition by way of Public Interest Litigation with the following prayer:-

"Issue any appropriate writ order or direction/command, to Respondents to consider the representations under Annexure-1 and 2 series for proper crowd management, arrangement of Darshan from Argali (Space connected to narrow strip to Sanctum Sanctorum (Garbhagriha) of Lord Allarnath), providing facilities and maintaining law and order for the huge crowd gathering during religious gathering of large numbers of devotees in Shree Shree Alarnath Temple, Brahmagiri during anavasara for two weeks period from 05.06.2023 (Fifth June of Two Thousand Twenty Three).

It is therefore, prayed that this Hon'ble Court may graciously be pleased to admit this PIL writ petition, issue RULE NISI calling upon the opp. parties to show cause, and if the opposite parties fail to show cause or show insufficient case, the said rule be made absolute in granting the relief's prayed for"

It is stated that Alarnatha temple is a Hindu temple dedicated to Vishnu and located in Brahmagiri, Odisha, near Puri. It becomes crowded during the kirshnapaksha of Ashadha, after the Snana Yatra when devotees are not allowed to see the central icon of Jagannath (a form of Vishnu) in Puri temple. After the ceremonial bath on the eve of "Snana Purnima", the siblings deities Lord Balabhadra, Lord Jagannath and Devi Subhadra are believed to be down with fever and they returned to Anasara Ghara in Shree Jagannath temple. During this period, popularly known as Anasara or 'Anavasara' (literally meaning no opportunity to see the lord of Puri), instead of having darshan in the Puri temple, devotees believe that Lord Jagannath during this time manifests as Alarnath Dev, at the Alarnath temple in Brahmagiri. It is also believed that the devotees can avail the same blessings and fortune of Jagannath darshan by having the darshan of Lord Alarnath. Along with Lord Alarnath, the devotees get the darshan of Lord Ananta Basudev in place of Lord Balabhadra and Devi Bhubaneswari in place of Devi Subhadra. The idols of Lord Dolagobinda, Lord Nrusingha, Lord Madanmohan, Lord Rama, Lord Krishna, Goddess Bhudevi, Goddess Sridevi and ten incarnations of Lord Vishnu are also being worshipped at the Alarnath temple.

On 06.06.2023 when the matter was taken up, learned counsel for the State was asked to obtain instruction in the matter and file an affidavit indicating steps taken by the District Administration for crowd management and arrangement for smooth darshan of the deity which was commenced on 05.06.2023 and likely to continue for two weeks and also regarding the provisions made for safe and smooth entry into and exit from the temple, so also the regulatory measure taken by the temple administration/committee and also by the District Administration.

In pursuance of such order, an affidavit has been filed on behalf of opposite parties nos.2 and 3 sworn to by Sri Smruti Ranjan Satapathy, Tahasildar, Brahmagiri, wherein it is stated as follows:-

(i) That the structure of the Alarnath temple is, as described by the petitioner, a small space having single entry and exit. The sanctum sanctorum of the temple is a small area having a single door that opens into the space known as Argali. The argali space opens further into another chamber where the garuda pillar is fixed and this chamber opens into the corridor of the temple. Other than the structure described the rest part of the temple is relatively new construction not coming under the purview of archaeological survey of India. It has also been studied previously as to create another door near the Argali area so as to facilitate smooth darshan by pilgrims creating a door for exit of the pilgrims after entry into the temple. Despite multiple attempts, it has been studied that search modification may cause danger to the ancient structure and hence has not been taken up for facilitation.

(ii) That prior to the present Anabasar Yatra 2023, a preparatory meeting was taken up in the temple premises under the chairmanship of the Sub-Collector, Puri where the topic was discussed with all stake holders present on 25.05.2023.

It was proposed to prevent pilgrims from entering the sanctum sanctorum and returning the pilgrims from the Argali area from where clear darshan of the deity is possible as to prevent jamming inside the temple. However, it was observed that it is only a group of servitors who are willing for the system to be implemented. There is another group of servitors who are not willing for the system to be worked out. Hence, it was decided for the local Tahasildar and IIC, Brahmagiri PS to work out any system as per the convenience of the pilgrims as and when required in view of the huge crowd. In the previous two days of the Yatra i.e. on 05.06.2023 and 06.06.2023, the same has been followed and pilgrims have been queued to exit the temple after having darshan of the deity from the argali area.

(iii) That, it is also submitted that the above system has been introduced for the first time and that it has been a tradition previously to have darshan of the deity from close up front from the Garbhagriha of the temple. However, generalizing the system may cause dissent among the factions of servitors which may affect the Niutikanti of the deity during the present Anabsar Yatra.

(iv) That the administration has arranged for adequate shade for the long queues of devotees where ceiling fans have been installed for the convenience of the pilgrims. Further, adequate police arrangement has already been made to prevent stampede like situations if they arise. A DG set is kept as back-up in the eventuality of power cut. Adequate drinking water is being provided to the devotees from not only administration side but also by various NGOs. Hence, the administration is fully ready for any eventuality that may affect the convenience of the pilgrims.

(v) That the Tahasildar, Brahmagiri also being the interim Managing Trustee of the temple is well aware of its responsibilities in managing smooth darshan of the devotees coming from various parts of the country during the aforesaid period in order to avoid any untoward situation. Therefore, the allegation of non-taking any action by the district administration for smooth management of Anavasara at the temple of Lord Allarnath, is not correct and hereby denied."

The photographs showing installation of information centre, barricade, shed, providing cold drinking water, casualty centre etc. have been annexed to the affidavit.

After going through the affidavit and on hearing the learned counsel for the respective parties and considering the suggestions given, we feel it necessary to direct the District Administration, temple administration/Committee to take these further steps for the smooth and peaceful darshan of the deity by the devotees.

(i) The ceiling fans, which are stated to have been installed inside the shade should be thoroughly checked at regular intervals for its safety as there is likelihood of the same being falling over the devotees due to improper installation, lack of maintenance or other defects, thereby causing injury to them. In addition to the ceiling fans, pedestal fan arrangements are to be

provided outside the barricade already made at close distance in view of scorching summer heat for the comfort of the devotees during their movement inside the barricade. During movement of devotees in queue, safe distance be ensured for physical comfort and to avoid collision;

(ii) Separate arrangements are to be made for the early darshan of the deity by the old/physically disabled and differently abled persons/women/children and battery car arrangements should be made from the parking space of the vehicles which is situated at a considerable distance from the temple to the point of separate entry of these categories of devotees and also for their return from the exit point to the parking area;

(iii) Sale of prasad and eating of prasad by the devotees inside the temple premises is to be restricted/ regulated to prevent gathering of crowd for such purpose for a long time inside the premises and separate arrangement should be made at a place adjacent to the temple;

(iv) The darshan time of the deity and also the closing time of the darshan on account of performance of different rituals of the deity should be published in some print media and broadcasted in electronic media on day to day basis for the information of the devotees in order to facilitate them to visit the temple during the festival as per their convenience;

(v) Since it is mentioned in the affidavit filed today that in the last two days of the yatra i.e. 05.06.2023 and 06.06.2023, the devotees were having darshan of the deity from the Argali area, the same arrangement shall continue till the end of the festival and the administration is required to ensure that no servitor of the temple is allowed to take any devotee beyond the Argali area to have a close darshan of the deity (inside the sanctum sanctorum) particularly during rush hour;

(vi) Mobile toilet arrangement should be made nearer to the barricade for the convenience of the devotees; and

(vii) The movement of the devotees inside and outside the temple should be monitored through CCTV in the control room;

(viii) Civic facilities, administrative and security measures as would be necessary should be organized immaculately by the District Administration for comfortable darshan of Lord Alarnath by the devotees.

With the aforesaid observation and direction, the writ petition stands disposed of.

Issue urgent certified copy as per Rules.

A free copy of this order be handed over to the learned State counsel for compliance.

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