
(2009) 05 MAD CK 0021

In the Madras High Court

Case No : Writ Petition (MD) No. 4298 of 2009 and M.P. (MD) No. 1 of 2009

Sona. Krishnamoorthy Iyer

APPELLANT

Vs

The Commissioner, HR and CE Department and Others

RESPONDENT

Date of Decision : 28-05-2009

Acts Referred:

Citation : (2009) 4 CTC 13 : (2009) 6 MLJ 833

Hon'ble Judges : R.S. Ramanathan, J

Bench : Single Bench

Advocate : B. Pugalendhi, for the Appellant; R. Anitha, Addl. Govt. Pleader for 1st Respondent and R. Thiagarajan for Respondents Nos. 5 to 7 for P.T.S. Narendravasan, for R. 5 to R. 7, for the Respondent

Final Decision : Dismissed

Judgement

R.S. Ramanathan, J.—The petitioner, who is one of the Thirusuthanthirar and as Secretary of the Sri Subramaniya Swamy Thirukovil Kaingaryam Thirusuthanthirarkal Saba, Thiruchendhur, filed the writ petition for issuance of writ of Mandamus, forbearing the respondents 2 to 7 from conducting the Yagasalai for Shanmugar outside the temple compound against the Aahama Vithigal.

2. It is stated by the petitioner that Ashtha Bandhana Kumbabisegam for the Thiruchendhur Subramaniya Swamy temple is to be conducted on 02.07.2009 and for that purpose two Yagasalai are to be established and so far as the Moolavar deity of Lord Subramaniya Swamy, Yagasalai is to be kept inside the temple and for the Urchava Moorthy Shanmugar, the respondents 2 to 7 are going to have the Yagasalai outside the temple and it is against the prescription of "Aahama Vithigal" and therefore, the respondents 2 to 7 must be restrained from having the Yagasalai outside the temple for the Urchava Moorthy Shanmugar.

3. It is stated in the petition that the Poojas in the Thiruchendur Subramaniya

Swamy Temple are different from other temples and for the Moolavar, pooja is performed according to the "Kerala Thanthara Samuchiam" [Vaitheega Dhanthrigam] and the Yagasalai, for both the Moolavar and Shanmugar were kept inside the temple from time immemorial. It is further stated that the "pooja" in the Thiruchendur Subramaniya Swamy Temple for the Moolavar is different from that of other temples and the poojas performed in the Subramaniya Swamy temple are interlinked between the main deity Subramaniya Swamy and the Shanmugar. It is further stated by the petitioner that the Yagasalai must be established in front of or nearby the deity, for the fumes, which are emitted from the Yagasalai must reach the deity and it is believed that will give more power to the deity. Further, the deity and "Yagasalai" would be connected with a rope namely "Dharba Soothram" and if the "Yagasalai" is kept outside the temple compound then the purpose of "Yagasalai" would not be achieved.

4. Initially, the respondents 2 to 7 decided to have "Yagasalai" for the Urchava Moorthy outside the temple and that was objected by the Pothis, who are performing the poojas for the Moolavar and therefore, "Yagasalai" for the Moolavar is now kept inside the temple and the "Yagasalai" for the Urchava Moorthy alone is kept outside the temple and objections were raised by the Sivachariyars for having the "Yagasalai" outside the temple, but that was not considered and it is further stated that one Siva Swamy Sasthrigal, who is also the Vithayakartha also made objection regarding the proposal of having "Yagasalai" for Shanmugar outside the temple and his objection was also not considered. Therefore, according to the petitioner having "Yagasalai" outside the temple "prakaram" is against the Aahama Vithigal and hence, the respondents 2 to 7 are to be restrained from having the "Yagasalai" for Urchava Moorthy outside the temple.

5. Mr. R.Thiagarajan, learned Senior Counsel appearing for the respondents 5 to 7 raised a preliminary objection that the petitioner has no locus standi and he further submitted that having the "Yagasalai" outside the temple is not prohibited and according to him, the "Yagasalai" can be kept outside the temple premises as per the two text Utharakarana Agamam, II Edn. by Sivagnana Selva Gurukkal and also as per the Vama Deva Pathathi.

6. In this writ petition, the point for consideration are:

1. whether the petitioner has got any locus standi to file the writ petition?
2. Whether the respondents 2 to 7 can have the Yagasalai Urchava Moorthy outside the temple?

7. Point No. 1: The petitioner is a Secretary of the Sri Subramaniya Swamy Thirukovil, Thiruchendhur and he is also one of the Thirusuthanthirars. It is not in dispute that Thirusuthanthirars, who are otherwise known as Mukkaniar, are the only persons, who are entitled to do various services inside the temple, except performing poojas to the deities. Therefore, it cannot be said that the petitioner

has no locus standi to file the writ petition. I therefore hold that the petitioner has got every right to maintain the writ petition.

8. Point No. 2: The main objection raised by the petitioner is that the Yagasalai for the Urchava moorthy should not be kept outside the temple. To appreciate the same, we must have an idea about the topography of the temple. It is seen from the Thirukovil varalaru of the Thiruchendur temple published by the Arulmigu Subramaniya Swamy Thirukovil, Thiruchendur, that there are only two prakarams in the temple and the place where the respondents 2 to 7 are going to have the Yagasalai for the Urchava moorthy is not coming within 2 prakarams. The place where the Yagasalai for Urchava moorthy is to be kept is admittedly outside the two prakarams, but within the Giri Vithi where the Urchava Moorthy is taken on various occasions.

9. It is further admitted that the place, which is selected by the respondents is on the north-west corner. Now, we will have to decide whether Yagasalai for the Urchava moorthy can be kept in the north-west corner?

10. According to the petitioner, the Yagasalai must be kept only in the inside prakarams and it should not be kept outside. The petitioner relied upon the book issued by the Siva Sri Mu.Muthiah Pattar of Thiruchendur, wherein at page 72 it is stated that the Yagasalai shall be kept inside the prakaram and it should not be kept outside. It is further stated that the best place is east or north-east or on the northern side. Relying upon that passage in that book, it was contended by Mr. B.Pugalendi, learned Counsel appearing for the petitioner that it is prohibited to have the Yagasalai outside the prakaram and hence, they should not have Yagasalai in the place selected by them. Mr. B.Pugalendi learned Counsel for the petitioner further developed his argument by relying upon the passage from the book "Kumbabishekam" by R.Sridharn wherein at page 41, it is stated as follows:

It is not advisable to have the "Yagasalai" outside the prakaram. It can be within 1st, 2nd or 3rd prakarams. East, north-east, north, north-west are the best places to have "Yagasalai."

11. On the other-hand, Mr. R.Thiagarajan, learned Senior Counsel appearing for the respondents 5 to 7 relied upon a passage from Vama Deva Pathathi at page 48A, wherein it is stated that Yagasalai can be established on eight directions of the temple and if it is to be decided to keep the Yagasalai outside the temple, it must be purified by doing respective rituals in that place and thereafter, it can be kept. Similarly, in the Uthira Karana Agamam Book, the place of Yagasalai is mentioned and it also says that Yagasalai can be kept in the north-east namely esanyam or on the north-west and north direction.

12. Therefore, according to the learned Senior Counsel appearing for the respondents 5 to 7 that there is no prohibition for having the Yagasalai outside the temple.

13. Both parties have given some materials about the place where the Yagasalai

can be established. Admittedly, the materials supplied by both the parties are in respect of Siva Aahamam and from the materials supplied, we are having a conflicting views about the place where Yagasalai can be established.

14. In such a circumstance, can this Court into the question whether Yagasalai can be established at any particular place is a moot question.

15. It is admitted that normally the Court will not interfere with the Agamam of every temple and that has to be followed as per Aahama Vithigal. As stated supra, what is the Aahama Vithigal for having Yagasalai, the respective parties were not able to produce any authoritative text books and especially for the Thiruchendur temple, this Court is not provided with the materials about the place where the Yagasalai can be kept. The text book relied upon by the parties are generally applicable to all the temples, which are coming under the Sivagamam. But even according to the petitioner, the Thiruchendur temple is an exception and it is specifically stated in the petition that the poojas in Arulmigu Subramaniya Swamy temple, Thiruchendur, is performed based on Kerala Thanthara Samuchiam [Vaitheega Dhanthrigam] and poojas in other temples in Tamil Nadu are performing as per Aahama Vithigal and the poojas in Thiruchendhur temple is different from that of other temples poojas.

16. Therefore, even according to the petitioner Subramaniya Swamy Temple at Thiruchendur is having separate rules for performing poojas and hence, the general Aahama vithigal, which is applicable to other temples cannot be made applicable to the Thiruchendur Arulmigu Subramaniya Swamy temple. Therefore, in the absence of any material produced by the petitioner for performing Kumbabisegam in the Thiruchendur Subramaniya Swamy temple, Yagasalai should be kept only within the prakaram, the respondents 2 to 7 cannot be prevented from having the Yagasai outside the prakaram. As stated supra, the materials supplied by the parties are general in character and are applicable to only those temples, which are coming under Siva Aahamam. The Thiruchendur temple being an exception will not come under Siva Aahamam and therefore, without producing any material to the effect the Yagasali should be kept inside the temple, the petitioner cannot succeed in the writ petition.

17. It is submitted by the learned Counsel appearing for the petitioner that Siva Swamy Sastrigal is an authority on the rituals to be conducted in the Thiruchendur temple and he is also the Vithayakartha of the Thiruchendur temple and he has raised objection for having the Yagasalai outside the temple premises.

18. The learned Counsel appearing for the petitioner also brought to my notice the letter sent by the Sivasamy Sasthrigal to the second respondent, wherein he has stated that Yagasalai should be kept within the prakaram and it should not be kept out side the temple. In his letter dated 18.05.2009, he mentioned that in the past eight Asthabantha Maha Kumbabishegam were performed and in all those Kumbabisegams, the Yagasalai was kept inside the temple and therefore, that tradition should not be changed. Though, he has also stated that Yagasalai

should be kept inside the temple, he has not quoted any authority for that proposition. Therefore, even from the letter of Sivaswamy Sasthri on the basis of the earlier precedents, he requested the authorities to have the Yagasalai within the prakaram.

19. In my opinion, in the absence of any authority or text provided by the parties, this Court cannot pass any direction, directing the respondents to have the Yagasalai inside the temple or outside the temple.

20. Further the learned Senior counsel appearing for the respondents 5 to 7 argued that the argument that in the past, "Yagasalai" was conducted inside the temple and therefore, this time also the "Yagasalai" must be conducted within the temple prakaram cannot also be accepted. Having regard to the increase in the number of devotees, who are visiting the Thiruchendur Subramaniya Swamy temple over the years and having regard to the fact that by having the "Yagasalai" outside the temple premises, but adjoining the temple more devotees can have Dharshanam of "Yagasalai", the authorities might have thought of, having the "Yagasalai" outside the temple, but adjoining the temple. It is submitted by the learned Senior counsel appearing for the respondents 5 to 7 that for having "Yagasalai" for Uchava Moorthy Shanmugar, they have to place 70 gundams and it is not possible to have all the gundams inside the temple and the authorities would find it difficult to control the devotees, who want to have Dharshanam of the Yagasalai for Uchava Moorthy Shanmugar. In my opinion, the respondents 2 to 7, who are administering the temple, are the competent people to decide about the place where the Yagasalai is to be kept and therefore, in the absence of any authoritative materials this Court cannot pass any direction, directing the authorities to have the Yagasalai inside the temple as claimed by the petitioner. Further, in all the texts produced by the parties to have the "Yagasalai" in the north direction is not prohibited and on the other-hand it is permitted.

21. Further, the grievance of the petitioner can be looked from another angle. It is a well known fact that by change of time, every thing changes and what was not approved in the past in getting recognition and approved today, for example, 10 years back temples like Thiruchendur were closed after the Uchikala Pooja (noon pooja) and reopened in the evening. Now having regard to the heavy inflow of devotees, the temple is kept open from morning to night without break. Earlier "ash" (Vibuthi) made of cow-dung and used for "Vibhuthi" and now no temple is using "ash" made of cow-dung on the ground it is not feasible. Therefore, having regard to the lack of facilities, change of time, many changes have taken place in the manner of performing rituals in the temple. But at the same time, care is taken that there should not be any change or variation on basic principles. Therefore, the decision of the respondents 2 to 7 to have the "Yagasalai" outside the temple may be for better administration and to enable the devotees to have free Dharsan without disturbing the daily rituals of the temple. In my opinion, having "Yagasali" is the basic things and whether it is to

be within the prakaram or not is left to the administration. As stated supra, having "Yagasalai" in the north-west is not prohibited. So long as no motive or mala-fide is attributed, this Court cannot interfere with the decision of the administration in selecting the place for "Yagasalai", when that place is not prohibited.

22. At the same time, the respondents 2 to 7 are directed to perform purification ceremonies in the place where they are going to have "Yagasalai", cover the entire premises so that no article can fall into the "Yagasalai" from above and keep the "Yagasalai" as per the religious strictures.

23. Further, there is no opposition from the general public or from the Sivachariars, who are performing poojas for Urchava Moorthy Shanmugar for having "Yagasalai" outside the temple. Therefore, having regard to the above facts, I am of the opinion that this Court cannot give any direction to the respondents about the place where the "Yagasalai" to be kept.

24. In the result, the writ petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.