

(1955) 11 MAD CK 0010
In the Madras High Court
Case No : Case Referred No. 5 of 1952

V.S. Ramamirtha Ayyar and Others	Vs	APPELLANT
M. Narayana Pillai and Seven Ors.		RESPONDENT

Date of Decision : 01-11-1955

Acts Referred:

Constitution of India, 1950 — Article 25, 25(2), 26

Citation : (1956) ILR (Mad) 960

Hon'ble Judges : P.V. Rajamannar, C.J.; Panchapakesa Ayyar, J

Bench : Division Bench

Advocate : K.V. Srinivasa Ayyar, K.V. Venkatasubramanya Ayyar and A. Balasubramanyam, for the Appellant; T.M. Chinnayya Pillay and R. Sundaralingam for eighth Defendant, V.K. Thiruvenkatachari, General and C.A. Vaidyalingam, Government Pleader, for the Respondent

Judgement

P.V. Rajamannar, C.J.—The learned District Munsif of Tiruvayyaru has referred to this Court the following question, which was raised as an

additional issue in a suit--Original Suit No. 216 of 1949 pending before him, namely,

Whether the Temple Entry Authorization Act (Madras Act V of 1947) is ultra vires and illegal as opposed to the fundamental rights declared in the Constitution Act?

2. Mr. Venkatasubramania Ayyar, learned Counsel for the Plaintiffs, at whose instance this issue was raised, was unable to convince us that the

Act was opposed to any of the provisions of chapter III of the Constitution. On the other hand, Article 25(2)(b) appears to conclusively establish

the validity and constitutional nature of the impugned Act, because it is there laid down that nothing in Article 25 shall affect the operation of any

existing law or prevent the State from making any law providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Now the impugned Act applies only to religious institutions of a public character and under the provisions of this Act such institutions are thrown open to all classes and sections of Hindus. The Madras Act has, therefore, done something which the Constitution has expressly permitted. Our answer to the question is that the, impugned Act is not ultra vires or illegal as opposed to any of the provisions of the Constitution.

3. Mr. Venkatasubramania Ayyar, learned Counsel for the Plaintiffs, represented that there may be contentions which the Plaintiffs may raise without attacking the validity of the Act itself, and he also mentioned in this connection Article 26. On this reference, the only question with which we are concerned is the validity of the Act. We are not concerned with any other contentions that may be raised in the suit. The question referred to us we have answered above in unambiguous terms, viz., that the Act is not ultra vires, or illegal. If it is open to the Plaintiffs to raise any contentions without affecting this answer, they would certainly be entitled to raise them. More than this we cannot say on this reference. The reference is answered accordingly.