

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(Special Original Jurisdiction)

**W.P.Nos.22333 & 22334 of 2021**

1. M.Saravanan  
S/o.P.Madasamy Nadar  
No.17, 2<sup>nd</sup> Street  
Kambar Nagar  
Maduravoyal  
Tiruvallur  
Tamil Nadu-600095.

... Petitioner in  
W.P.No.22333/2021

2. A.V.Gopala Krishnan  
S/o.A.S.Vedamani  
Flat F-4, Raagaas Apartments  
32/108, T.P.Kovil Street  
Triplicane  
Chennai-600005.

... Petitioner in  
W.P.No.22334/2021

**/Versus/**


1. State of Tamil Nadu,  
Rep. by its Chief Secretary,  
Secretariat,  
"Namakkal Kavignar Maaligai"  
Fort St George, Chennai-600009.

2. The Principal Secretary  
Government of Tamil Nadu,  
Tourism, Culture and Religious Endowments Department,  
Secretariat,  
"Namakkal Kavignar Maaligai"  
Fort St George, Chennai-600009.

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

... Respondents in both  
W.P.Nos.22333 & 22334 of 2021

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Joint Commissioner (Legal),  
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Chennai-600 034.

**W.P.Nos.22916, 22921 & 22926 of 2021**

1. The Indic Collective Trust,  
5E, Bharat Ganga Apartments,  
Mahalakshmi Nagar,  
4<sup>th</sup> Cross Street,  
Adambakkam, Chennai-600088.  
Rep. by its President, Mr.T.R.Ramesh

2. Mr.T.R.Ramesh  
S/o.Late Dr.T.N.Ramachandran  
Flat 3B, Nataraj Apartments  
17 D'Silva Road  
Mylapore  
Chennai-600004.

... Petitioners in

W.P.Nos.22916, 22921 &amp; 22926 of 2021

**/Versus/**

1. The State of Tamil Nadu,  
Rep. by its Secretary,  
Department of Tourism, Culture and Religious  
Endowments Department,  
Secretariat,  
Fort St George, Chennai-600009.

2. The Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
119, Mahatma Gandhi Road,  
Nungambakkam, Chennai-600034.

... Respondents in both

W.P.Nos.22916, 22921 &amp; 22926 of 2021

**W.P.Nos.23026 & 23029 of 2021**

1. A.V.Gopala Krishnan  
S/o.A.S.Vedamani  
Flat F-4, Raagaas Apartments  
32/108, T.P.Kovil Street  
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... Petitioner in

W.P.No.23026/2021

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2. M.Saravanan  
S/o.P.Madasamy Nadar  
No.17, 2<sup>nd</sup> Street  
Kambar Nagar  
Maduravoyal  
Tiruvallur  
Tamil Nadu-600095.

... Petitioner in  
W.P.No.23029/2021

**/Versus/**

1. State of Tamil Nadu,  
Rep. by its Chief Secretary,  
Secretariat,  
"Namakkal Kavignar Maaligai"  
Fort St George, Chennai-600009.
2. The Principal Secretary  
Government of Tamil Nadu,  
Tourism, Culture and Religious Endowments Department,  
Secretariat,  
"Namakkal Kavignar Maaligai"  
Fort St George, Chennai-600009.
3. The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
119, Uthamar Gandhi Salai,  
Nungambakkam, Chennai-600 034.

... Respondents in both  
W.P.Nos.23026 & 23029 of 2021

**COMMON COUNTER AFFIDAVIT FILED ON BEHALF OF  
THE COMMISSIONER, HR&CE DEPARTMENT**

I, S.Sivakumar, S/o.Sambantham, Hindu, aged about 54 years, working as the Joint Commissioner (Legal) in the office of the Commissioner, Hindu Religious and Charitable Endowments Administration Department, having Office at

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No.119, Uthamar Gandhi Salai, Chennai-600034, do hereby solemnly affirm and sincerely state as follows:-

1. I am working as Joint Commissioner (Legal) in the office of the Commissioner, Hindu Religious and Charitable Endowments Administration Department, Chennai-34, and as such I am well acquainted with the facts of the case from the records. I have read the affidavit filed by the Petitioners in support of the above Writ Petitions and I deny all the averments and allegations contained therein as false, except those that are specifically admitted herein and put the Petitioners to strict proof of the same. I have been duly authorized by the Commissioner, Hindu Religious and Charitable Endowments Administration Department, Chennai-34 to file this counter affidavit on his behalf.

2. It is submitted that the **Writ Petition Nos.22333 of 2021 & 22334 of 2021** were filed by the petitioners praying

*“to issue a Writ, Order or Direction in the nature of a Writ of Certiorarified Mandamus calling for the records of the 3<sup>rd</sup> respondent pertaining to the proceedings in Se.Mu.Na.Ka.58398/ 2020-1/B1, dated.09.09.2021 and the*

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resultant Circular in C.No.25132/2016/I2, dated.22.09.2021 and quash the same and consequently forbear the respondents from in any manner melting gold or other items belonging to Temples in the State of Tamil Nadu, apart from directing the respondents in produce details of the gold items that have already been melted pursuant to Order dated.09.09.2021.”

3. It is submitted that the **Writ Petition Nos.22916, 22921 & 22926 of 2021** were filed by the petitioners praying

1. “to issue a Writ of Certiorari or any other appropriate writ order or directions calling for the records relating to Proc.R.C.No.58398/2020-1/B1 dated.09.09.2021 issued by the Commissioner, HR&CE Department, the 2<sup>nd</sup> respondent herein and to quash the same.”

2. “to issue a Writ of Certiorarified Mandamus or any other appropriate writ order or directions calling for the records relating to Circular No.R.C.No.25132/2016/I-2

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*dated.22.09.2021 issued by the 1<sup>st</sup> respondent quash the same and consequently forbear the respondents from carrying out any melting of gold items that are held by temples under the control of the respondents herein."*

3. *"to issue a Writ of Certiorarified Mandamus or any other appropriate writ order or directions, calling for the records relating to G.O.(Ms.)No.101, Tourism, Culture and Charitable Endowments (CE 1-2) Department, dated.09.09.2021 issued by the 1<sup>st</sup> Respondent, quash the same and consequently forbear the respondent from carrying out any melting of gold items that are held by Temples under the control of the Respondents herein."*

4. It is submitted that the **Writ Petition Nos.23026 & 23029 of 2021** were filed by the petitioners praying

*"to issue a Writ, Order or direction in the nature of a Writ of Certiorari calling for the records of the respondents 2 & 3 culminating in the Government Order (Ms.)No.101. TC&RE*

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*Department dated.09.09.2021 and quash the same and pass such further or other orders as deemed fit and proper in the circumstances of the case and thus render justice."*

5. It is submitted that the Petitioners have stated that they are affected by the order dated.09.09.2021 issued by the 3<sup>rd</sup> Respondent herein. In the said order, the 3<sup>rd</sup> Respondent has appointed Nodal Officers to coordinate for effective implementation of schemes announced by the Hon'ble Minister for Hindu Religious and Endowments on the floor of Legislative Assembly. It is not known how the Petitioners were affected by the above order.

6. It is submitted that the Petitioners have also challenged the circular instructions issued by the 3<sup>rd</sup> Respondent in circular Rc.No.25132/2016/I2, dated.22.09.2021. In the said circular, detailed instructions have been issued to the subordinate officers regarding appraisal, re-appraisal, supplementary appraisal, periodical verification, melting and repair of jewels and valuables of the temples. The above said circular instruction is consolidation of earlier circular instructions issued from the year 1977 and it is not a new one.

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7. It is submitted that the Petitioners have extracted the provision of Tamil Nadu HR&CE Act, 1959 & Rules framed thereunder relating to the jewels and valuables pertaining to the temples. The impugned circular instructions have been issued based on the Religious Institution Custody of Jewels, Valuables and Documents and Disposal Rules, 1963 framed under Section 116(2)(xii) read with Section 42 of the Tamil Nadu HR&CE Act, 1959. Further, the above Rules are scrupulously followed by the religious institutions.

8. It is submitted that Section 47 and 49 of the Act empowers the authorities to appoint Fit Person till the constitution of Board of Trustees to each religious institution. The Trustees to be appointed from the panel of names recommended by the District Committees constituted under Section 7-A of the Act. The District Committees were constituted for 27 Districts in the year 2019 and 2020. Trustees have been appointed in 319 religious institutions from the panel of names received from the District Committees. Due to Pandemic, Committee meeting was not convened regularly. In order to provide opportunity to more Philanthropists, Devotees, in the said Committee, the tenure of the Committee members has been reduced from 3 years to 2 years by amending Section 7-A of the

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Tamil Nadu HR&CE Act, 1959. Accordingly, notice inviting applications for appointment of members of District Committee from the qualified persons have been published for 32 Districts. The qualifications, disqualifications and antecedents of the applicants are being verified by the Inspector of this Department. After verification of the applications, Committee will be constituted for each District.

9. It is submitted that 4381 temples are under the administration of Hereditary Trustees. Board of Trustees has been constituted for 319 Temples. In major temples, Philanthropists, Industrialists and Religious minded persons have been appointed as Fit Person. Further, notifications have been published for 233 temples inviting applications from the qualified persons for being appointed as Trustees.

10. It is submitted that as per Section 6(22) of the Act, *"trustee" means any person or body by whatever designation known in whom or in which the administration of a religious institution is vested and includes any person or body who or which is liable as if such person or body were a trustee.* Accordingly, the Fit Person appointed in lieu of Trustee is vested with all the power of the Trustees.

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11. It is submitted that the averment of the Petitioners that this Hon'ble Court has initiated Suo-Motu proceedings in W.P.No.574 of 2015 to remedy the widespread problem of maladministration of the Hindu Temples and a Senior Advocate appointed as Amicus Curiae has submitted a detailed report highlighting lapses on the respondents are denied as not correct. The said proceeding was initiated by the Hon'ble High Court for constitution of Heritage Commission and Amicus Curiae was appointed to assist the Court to recommend measures for the Preservation of Heritage Structure in the State of Tamil Nadu. In the said Writ Petition, the Hon'ble High Court has issued various directions to streamline the administration of the temples. In which, most of the directions are already in vogue.

12. It is submitted that the Petitioners have stated that in the circular R.C.No.25132/2016/I2, dated.22.09.2021, the 3<sup>rd</sup> Respondent has stated that the jewels belong to the HR&CE Department. This was totally denied as false and misconceived. In the said circular, it has been clearly affirmed that the jewels belong to the religious institutions only and not to the HR&CE Department.

13. It is submitted that there are several averments made in the affidavits by misinterpreting the circulars. The Petitioners

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are clearly not aware of the administration of temples, various registers maintained in the temples, auditing system followed in the temples etc. They have simply extracted the passing observation made in several judgments which suited for their case. The Petitioner had averred that Rules 2, 3, 4, 5, 6, 7, 11, 13 and 21 are violated. But on bare reading of the impugned circulars will reveal that the said Rules alone reiterated in the impugned circular dated.22.09.2021.

14. It is submitted that in the starting paragraph of the circular dated.22.09.2021, it has been stated that, "detailed guidelines are issued by consolidating the previous orders and instructions issued regarding the appraisalment of jewels and valuables belonging to religious institutions, re-appraisalment, repair of jewels, melting, and the Presence of Verification Officer during the Hundial opening."

15. With reference to the averments made in Grounds of the affidavit, it is submitted that, the circular dated.09.09.2021 relates to appointment of Nodal Officers to coordinate the implementation of the various schemes announced in the Legislative Assembly. It is not known how it is violative of Rules and Act 14, 19, 21, 25, 26, 29 and 300-A of the Constitution of India.

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16. It is submitted that the Hon'ble Minister for Hindu Religious and Endowments has announced that 3 retired High Court Judges will be appointed to oversee the melting of unused Gold items in the temples. The scheme of melting damaged, unused Gold items which are not required for temple usage and invest the same in Gold Investment Scheme approved by Reserve Bank of India is in vogue from the year 1979 onwards. In order to ensure more transparency in the said scheme, Committees headed by 1 Hon'ble retired Judge of Supreme Court and 2 retired Judges of Hon'ble High Court have been constituted for identifying the damaged, unused Gold items which are not required for temple usage.

17. Further, it is submitted that Rule 13 of the Religious Institution Custody of Jewels, Valuables and Documents and Disposal Rules, 1963 permit the Trustees to melt any jewels and valuables in the temples including Kanikkai articles in Gold and Silver with the previous sanction of the competent authority and the competent authority may issue such instructions as may be necessary for the melting and the Trustees shall be bound to carry them out. Accordingly, detailed guidelines issued in the circular dated.22.09.2021 consolidating the previous

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instructions issued from the year 1977 onwards. The salient features of the above guidelines as follows:

- All the jewels and valuables shall be verified in the presence of the Committee headed by the retired Judges.
- The said Committees shall identify the damaged and unused Gold items/jewels need to be melted and send its recommendation to the Commissioner.
- Based on the recommendation of the Committees, the jewel verification Team headed by the Deputy Commissioner shall inspect the jewels regarding the necessity of melting the Gold items (பலமாற்று பொன்னினங்கள்)/jewels and send its recommendation to the competent authority along with the request of the executive authority of the temple and resolution of the Trustee or Fit Person.
- The old and antique jewels should not be melted.
- The list containing details of the jewels to be melted shall be prepared with its description and weight.
- Gems and stones if any in the Gold items shall be removed and kept in safe custody.

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- The weight before and after removing the Gems and Stones shall be recorded.
- The melting of Gold items in the Government Mint, Mumbai shall be done in the presence of Hon'ble retired Judges.
- The entire process shall be Videographed. Copy of the Video shall be kept in temple concerned, Joint Commissioner's Office and Commissioner Office.

18. It is submitted that it has been proposed to melt the Gold offering received in the Hundial which are not required for adorning the Deities of the temple. In most of the temples, small Gold items and Gold coins are offered by the Devotees in the Hundials. Those items cannot be adorned to the Deities. Further, the jewels which was worn and used by some one cannot be used to adorn the Deities. But if the said items are invested in the Gold Bond Investment Scheme by melting the said items which will fetch regular income to the temples. The interest received from the Gold Bond investment will be utilised for the temple purpose which will fulfil the wishes of the Devotees. Further, it will ensure the safe custody and also avoid misuse by any person.

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19. It is submitted that the Petitioners are repeatedly stating that as per the direction of the Hon'ble High Court in W.P.No.574 of 2015, proper audit shall be done as per Section 87 of the Act and inventory of jewels shall be taken before melting. In this regard, it is submitted that it has been ordered by the Government to migrate the Audit Wing of this Department under the administrative control of Finance Department vide G.O.(Ms.)No.181, TC&RE (RE 2-2) Department, dated.25.11.2021 to have more transparency and independency.

20. It is submitted that the jewels and valuables of the temples are appraised by the Verification Wing as per Rule 21 of the Religious Institution Custodies of Jewels, Valuables and Documents and Disposal Rule, 1963 and inventory has been prepared by the said team. Further, the details of jewels and valuables owned by the temples are incorporated in the Property Register approved under Section 29 of the Tamil Nadu HR&CE Act, 1959. Further, re-appraisement and Supplementary appraisement of jewels and valuables are being done by the Verification Wing as per Rule 21.

21. It is submitted that prior to the year 2020, only 10 Verification Team had involved in the said work.

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Considering the work done, 10 additional teams have been sanctioned by the Government. Due to pendency of the cases regarding fixation of seniority, all the Deputy Commissioner posts are vacant in the Department and 20 Junior Technical Assistant Posts are vacant. Now notification called for applications to fill up the Junior Technical Assistant have been issued. Proposal to fill up the vacancies in the post of Deputy Commissioner by promotion from the Cadre of Assistant Commissioner is under process. After filling of all the vacancies, the verification work will be carried out in a massive manner.

22. It is submitted that at present, the melting of damaged and unused items belonging to major Temples alone will be undertaken by the Committees headed by 1 retired Judge of Supreme Court and 2 Hon'ble retired Judges of High Court constituted vide G.O.(Ms)No.101, Tourism, Culture and Religious Endowments (RE 1-2) Department, dated.09.09.2021. The said work will be undertaken with reference to the appraisal report, Property Register, Hundial Assortment Register and Inventory Register of the temples concerned. It is assured that without inventory of jewels and valuables, melting will not be allowed.

  
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23. It is submitted that this Hon'ble Court has passed the following order in the above writ petitions:

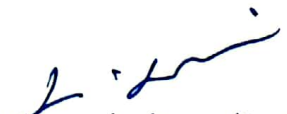
"..... 7. The matter requires consideration, particularly since it appears from Rule 12 of the said Rules that the Commissioner has the authority to issue instructions to the trustee "as may be necessary for the preservation or otherwise of the articles; where the articles may be jewels, vahanams or other valuables in the temple." Equally, Rule 13 gives authority to the trustee, subject to obtaining previous sanction of the competent authority, to melt any jewels or valuables in the temple.

8. It is submitted on behalf of the State that it has been the usual practice of melting the offerings made in gold at temples across the State. A rough figure of Rs.11.5 crore is indicated by learned Advocate-General as having been earned from such process which has, apparently, been used for the purpose of restoration and renovation of the temples.

9. It is submitted by learned Advocate-General that most of the temples require immediate attention and substantial funds are necessary for the renovation and restoration thereof. Other temple properties require protection and funds are necessary in such regard. According to the State, for the last decade or so these matters have not received the attention and gold and other offerings which have been dropped in the collection boxes have not been taken out to be assessed or even preserved or melted.

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10. It appears that the offerings made over the last several years may not even have been inventorised.

11. The State says that a committee has been put in place, including a retired Judge of the Supreme Court and a retired Judge of the High Court of Madras, which committee is tasked with overseeing the conduct of inventory at each temple complex of the offerings made thereat and of all the properties that are owned by or belong to the temple. The State says that it is imperative that such exercise be conducted at the earliest to arrest the further leakage or alienation of the temple assets and properties, including the offering made by devotees.

12. While it may be perfectly in order for inventories to be carried out in an appropriate manner under the supervision of the committee where the retired Judges should take an active role and participate in the process, it may be too early for any decision to be taken for the melting of the gold which has been offered at the temples, particularly in the absence of the trustees at the temples being in place. Since the State has already commenced the exercise of installing trustees at the temples, learned Advocate-General submits that the work of carrying out the inventory of the offerings at the temples and the properties of the temples may continue unabated, but the decision of whether or not to melt the jewellery which has been offered in the temples would be taken after the trustees are installed in the relevant temples.

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13. In view of such submission and assurance given by learned Advocate-General, there may not be any room for the petitioners to apprehend that the jewellery or other valuables which form a part of the offerings at the temples may be alienated or dealt with to the prejudice or detriment of the individual temples or without there being any need therefor.

14. It is made clear that the exercise of completing the inventory of the offerings, including the jewellery and other valuables, may be conducted under the aegis of the retired Judges through the committees as indicated by the State; but no decision to melt any jewellery or to dispose of any valuable which forms a part of the offerings at the relevant temple should be taken without the trustees thereat being installed pursuant to the advertisements issued.


15. List these petitions along with W.P.Nos.22333, 22334 and 23070 of 2021 on December 15, 2021. The parties will have liberty to apply in the meantime, if there is any exigency.

16. Counter-affidavits to all the petitions be filed within four weeks from date. It will be open to the State to file a common counter-affidavit dealing with all the petitions, but the counter affidavits should be filed within the time indicated herein."

24. It is submitted that as directed by this Hon'ble Court inventory of the jewels have been undertaken by the Committee

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headed by the Hon'ble Judges in transparent manner. In the letter from the Hon'ble Mr. Justice Doraiswamy Raju addressed to the Commissioner, it has been advised to seek appropriate clarification from this Hon'ble Court regarding continuing with the pre-melting process such as removal of Lac, Copper and other foreign materials from the ornaments. In the said letter it has been stated as follows:

*"(1) I had the occasion to supervise the work of segregating the ordinary/sub-standard Stones, Lac, Copper and other base materials from Gold items segregated and separately bagged and kept in Double Lock System in Arulmigu Devi Karumariamman Temple at Thiruverkadu, Chennai-600077, pursuant to G.O.(Ms.)No.101, Tourism, Culture and Religious Endowments Department, dated.09.09.2021, and was able to complete the work in respect of the above temple in terms of Para 5(i) and (ii) of the said Government Order.*

*(2) I would like to bring to your notice certain factual details and aspects noticed during the course of execution of the said work in the presence and*

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*under the supervision of the Committee constituted of which I was nominated as the President, performed as envisaged in the above Government Order. After going through the Government Order, the circular orders of the Commissioner, HR&CE in Na.Ka.No.25132/2016/I2, dated.22.09.2021, while opening the strong room, I requested the officers present to point out the valuable jewellery segregated during hundial opening and subsequently verified & certified by the Verification Officer & expert specialist kept separately in the Steel Almirah which was pointed out to me without even taking the said package out of the Steel Almirah in which it was kept since it was visible, being packed in a transparent plastic covers and found duly sealed also. I was told by the Joint Commissioner/Executive Officer of the concerned Temple, that due entries of all such items are assigned numbers and due entries of them have been made in the Register maintained for the said purpose.*


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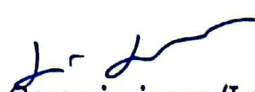
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(3) The items meant for work entrusted to the Committee formed under the above mentioned Government Order were kept in separate stitched bags sealed and each bag was taken for work as and when it becomes necessary by opening the bags for distribution to the skilled Artisans who knew the work of segregating the substandard Stones, Lac, Copper and other materials including dirt. The majority of the offerings, except 1/5<sup>th</sup> of the quantity so found separately kept for the work to be done appears to be 'Mangalya Sutras' of various types, some items like Bangles Ear and Nose Studs and slender Necklaces type with Kacha Stones. It appears that invariably those offered were such which were in the use and worn by the Devotees concerned before depositing them in the hundial. Consequently, when hundials are opened the Cotton thread combination soaked in Turmeric Water has to be cut and Gold items alone are to be collected and weighed for noting the weight of the Ornament thereof and entering in the Register maintained for that purpose.

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(4) Therefore, much of them are small individual items, Pendants, Nanakuzhai and Gundus (which are called so in Vernacular Tamil) etc., which can be of no use to the Deity for being used as an Ornament. That apart, what was worn and used by someone cannot be used to adorn the Deity. Only roughly about 1/5th of the said articles contain no stones which necessitated any work of removal undertaken by the Committee. Even in such pieces one or two stones are found fixed which had to be removed by retrieving the Gold alone. To arrive at the actual tentative weight of the Gold alone, such removal of the other materials has to be undertaken. The Nanakuzhai and Gundus as well as the Pendants which were intertwined in the Turmeric soaked Cotton thread contained inside the empty space, Lac, Copper rolls, Kacha stones fixed at the outer space which often was at times more than the actual Gold used for making it after removal of such foreign material. Some of the items when cut to remove the foreign materials are found inside the Gold surface such as Silver lining, Lac filling and

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*Copper sheets and therefore the Gold element in such cases appears to be very low. But we have treated the Silver lined Gold and weighed them as Gold since the expert specialist who was with us and assisting the performance of the work stated that when such materials are placed in the melting furnace of RBI at Mumbai, the Silver part of it gets subsumed in the process, leaving the real Gold intact.*

*(5) Every day in the Forenoon session and in the Afternoon session each of the skilled Artisans were issued with a particular quantity, after due weighing in the electronic weigh machine, of the Gold items issued for removing Lac, Copper and Stones etc. After the work is performed by the skilled Artisans when the retrieved Gold pieces were returned they were weighed individually as it was distributed and the Gold weight was recorded. At the end of the day's work when not only the details as to the quantity of the Ornaments distributed to the Artisans, but also Gold received after execution of the work was*

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*weighed and recorded but the Lac, broken pieces of substandard Stones, Copper and other foreign materials were put together and weighed to find out what is the loss by totalling the Gold separately and the other foreign elements/materials separately.*

*(6) At the end of the work on the 8th day, each day's packed Gold pieces were pooled together and likewise the Lac, Copper etc were pooled separately. The Gold pieces so pooled were packed in Plastic boxes containing 5000 gms in eight boxes and the ninth box containing 2990.900 gms. The boxes were sealed with Cellophane tapes and tied with Cotton tapes with seals fixed on the Cotton tapes. The nine Plastic boxes were in turn put in a Steel Trunk like box duly locked and sealed. The substandard stones retrieved were also separately packed in a transparent Plastic bag and sealed. Further, the lac, the copper metal called in Vernacular as Seppu, Suraigal were separately packed and duly sealed and kept in the Steel Almirah in the Strong Room.*

*(7) Thus, the work has been completed in respect of the temple using the Gold articles as*

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described above of the total weight of 64147.000 gms and the retrieved Gold out of it was 42990.900 gms. The Stones referred to above were of 115.900 gms and the Lac, Copper and other materials etc weighed 21016.000 gms. On account of the work so undertaken, the loss (Sedharam in Vernacular) was 24.200 gms. Apart from the individual reports on each days of work, a combined report dated.29.10.2021 was submitted to all concerned superior authorities in the Department as per the procedure in vogue by the verification officer duly endorsed in a covering letter by the Joint Commissioner/Executive Officer of the temple.

(8) So far as the arrangements made for undertaking the above work is concerned, a part of the hall was duly enclosed by laying down on the floor initially a Plastic sheet and on the said Cotton thick Bedsheets over which the Artisans put their implements and worked. From beginning till the end of the work, myself and other officers enjoined for the said purpose sat in front of the Artisans working and kept constant vigil, in addition to the continuous

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*Videographing of the same by fixing 4 Cameras on four corners projected to ensure proper visibility of the work place as well as the work carried on by the Artisans. That apart, every time a small bag of Gold articles were opened for the purpose of issuing to the workers, that operations as well as the works during the completion of the day's work were also recorded from close quarters including the sealing operations for the day concerned as well as the final day of the whole lot as noticed supra.*

*(9) Before undertaking any such further work as envisaged in Para 5(i) and (ii) of the G.O. in any other temples earmarked for the purpose, it is felt by all the learned Judges including myself that clarification is needed of directions in Paragraph 14 of the Orders of the Bench comprising of the Hon'ble Chief Justice dated.28.10.2021. Simple inventory of the hundial offerings are found to have been already undertaken when the hundial was opened after removing the Cotton to which the articles were tied up and were duly weighed and recorded. The same*

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*has also been said to have been again itemised and estimated by the Verification Officer in their report.*

*(10) Therefore, unless the Committee headed by retired Judges are permitted specifically to undertake the work envisaged in Para 5(i) and (ii) of the G.O. dated.09.09.2021 no further work can be done by the retired Judges/Presidents of the Committee appointed and mere taking an inventory of already inventoried pieces of Gold articles including the foreign material inside them will in my opinion be a superfluous task not strictly required.*

*(11) Consequently, I request you sir, on my behalf and on behalf of the other learned retired Judges as well, to seek for appropriate clarification from the Hon'ble Chief Justice's Court and if needed also produce such Ornaments/Gold received by way of offerings received for the subsequent periods by the temples in the Hundials, so as to appraise the Court as to what are the nature of articles so worked upon and about the real intention of the work to be carried even before the Gold could be taken for*

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*melting the same by the melting centre of RBI,  
Mumbai."*

The said order was extended by this Hon'ble High Court vide order dated.15.12.2021.

25. It is submitted that inventory of jewels have been undertaken under the supervision of retired Judges with more transparency. The procedures narrated by the Hon'ble Justice will also be scrupulously followed in all the temples. Further, small items which can be no use to the Deity for being used as on ornament alone will be melted based on the decision taken by the Board of Trustees of the temple concerned. As the process for constitution of Board of Trustees to each temple is under progress, it has been proposed to identify, segregate the items and complete the pre-melting process. Hence, it is requested to permit the Committee headed by the retired Judges to identify, segregate such items and complete the pre-melting process.


26. It is submitted that this respondent reserves his right to file additional counter as and when necessary.

  
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For the foregoing reasons, it is prayed that this Hon'ble Court may be pleased to dismiss the case with exemplary costs and thus render justice.

  
Joint Commissioner (Legal),  
HR & CE Admn., Department,  
Chennai-600 034.

Solemnly affirmed at Chennai on  
this the 16<sup>th</sup> day of December, 2021  
and signed his name in my presence.

BEFORE ME

  
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IN THE HIGH COURT OF JUDICATURE  
AT MADRAS  
(Special Original Jurisdiction)

**W.P.Nos.22333 & 22334,  
22916, 22921 & 22926,  
23026 & 23029 of 2021**

**COMMON COUNTER AFFIDAVIT  
FILED ON BEHALF OF THE  
COMMISSIONER,  
HR & CE DEPARTMENT**

**SPECIAL GOVERNMENT PLEADER  
HR & CE**