



W.P.(MD).No.18562 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.18562 of 2023

Madurai Aatheenam,
Represented by its Manager,
P.Saravanan

... Petitioner

Vs.

The Joint Commissioner / The Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to shift the Laddu Prasadham preparation unit from Thiruganasambandar Mandapam to any other place so as enable the petitioner mutt to resume the Devara Padasalai and consequently permit the petitioner to conduct the sixth day Mandagapadi of Masi festival in Thiruganasambandar Mandapam itself which is located inside the temple premises from the year 2024 onwards.

(Prayer amended vide order dated 05.09.2023 in W.M.P.(MD).No.15892 of 2023 in W.P.(MD).No.18562 of 2023)



WEB COPY



W.P.(MD).No.18562 of 2023

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.V.R.Shanmuganathan,
Standing Counsel

ORDER

This Writ Petition is filed for Mandamus, directing the respondent to conduct the 6th day Mandagapadi of Masi festival in Thiruganasambandar Mandapam which is located inside the temple premises from the year 2024.

2. Pending Writ Petition, the petitioner has filed an amendment petition to amend the prayer, whereby the amended prayer is “to directing the respondent to shift the Laddu Prasadham preparation unit from Thiruganasambandar Mandapam to any other place so as enable the petitioner Mutt to resume the Devara Padasalai and consequently permit the petitioner to conduct the sixth day Mandagapadi of Masi festival in Thiruganasambandar Mandapam itself, which is located inside the temple premises from the year 2024 onwards”. This amendment petition filed in W.M.P.(MD)No.15892 of 2023 is allowed.



W.P.(MD).No.18562 of 2023

3. The contention of the petitioner is that Madurai Adheenam is the oldest Saivite Adheenam, a form of Hindu Monastery, in South India. It was established and in existence for more than 1300 years and is said to have been rejuvenated by Arulmigu Thirugnana Sambandar. It is an active Centre of Saiva Siddhanta philosophy. The Mutt is headed by Sri La Sri Harihara Sri Gnanasambanda Desika Paramachariya Swamigal who took over as the 293rd pontiff of the Madurai Adheenam, at a grand coronation ceremony that took place on 23rd August 2021. The Mutt also administers four temples in Thanjavur District and Tiruvarur District, namely Agniswarar Temple, Kanjanur, Sakshinatheswarar Temple, Thiruppurambiyam, Kaichinam Kaichineswarar Temple and Pannakaparanar Temple. The pontiff has taken effective steps to restore the practice and customs of the Mutt. As per the records, it was found that Sayaratchai Kattalai of the respondent Temple is belonging to the Mutt. Hence, the present pontiff has paid the amount for Sayaratchai Kattalai and the respondent has restored the same. Likewise, there were several Mandahapadi's in the Temple. One such Mandahapadi is 6th day of Masi festival which is celebrated by the Mutt. During the said Mandahapadi, the Urchavar would be taken into Thirugnanasambandar Mandapam (old Devara Padasalai), which is situated in South East corner of the Temple (near Elephant shelter). Thereafter



W.P.(MD).No.18562 of 2023

the procession starts from the Thirugnanasambandar Mandapam and after reaching four Chithirai Veethis, then would come back to the same Thirugnana Sambandar Mandapam and honoring the pontiff. This is traditional practice and it has not been followed for the past several years, since the Thirugnana Sambandar Mandapam is occupied and used for preparation of Laddu. The structures and pillars are damaged and further one deity is also missing from the premises. Without getting prior permission from the competent authorities, the Mandapam was transformed as Laddu preparation unit.

4. At this juncture, the respondent has informed the Masi Mandala Urchavam festival for the Fasali 1432 vide letter dated 25.12.2022. Hence, the petitioner sent letter to the respondent to restore the original practice and use the Thirugnanasambandar Mandapam for 6th day of Mandagapadi for Masi Mandala Festival. The said Mandapam originally was constructed by the Madurai Aadheenam and there is a deity of Arulmigu Thirugnanasambandar, Lord Siva and Vinayagar. During the tenure of 289, 290 and 291 pontiffs, the Mutt has entrusted the said Mandapam for conducting Devara Pada Salai. Now, the Mutt is ready to continue the Devaram and Thiruvagasam classes in the said Mandapam. Hence the petitioner submitted a representation and based on the



W.P.(MD).No.18562 of 2023

representation, the respondent replied vide Letter No.6058/2019/D6 dated 22.02.2023, stating that the Thirugnanasambandar Mandapam is used as “Madapalli” for preparation of Laddu and they cannot shift the place immediately. And also directed the petitioner to conduct the festival in old Thirukalyana Mandapam and last year also it was conducted at Thirukalyana Mandapam. Since the respondents have denied to shift the Laddu Madapalli from Thirugnanasambandar Mandapam hence, the petitioner is seeking to restore the original place, so that the festival can be restored at least from next year onwards.

5. The respondent has filed counter stating that the respondent would not allow any one, who discontinued from performing Kattalai, to resume the same. Since the petitioner Mutt being a Saivite Mutt established by Shri Thirugnana Sambandar, the respondent has permitted to perform the Sayaratchai Kattalai at the respondent Temple without any objections which was discontinued long back, soon after the present pontiff assumed office. The respondent also submitted that 6th day Mandagapadi festival is conducted in the respondent Temple which is performed by the writ petitioner Mutt every year. Since the Mandapam is only having 1201 square feet, which is inadequate to



W.P.(MD).No.18562 of 2023

accommodate huge crowd and therefore with intention to accommodate huge crowd of worshippers, the venue of 6th day Masi Festival was shifted to old Thirukalayana Mandampam, 20 years back and the said change was welcomed by the general public at large, as they could witness the Mandagapadi poojas, processions and honour offered to the pontiff of the writ petitioner Mutt, which is in vogue till date. Only the venue is changed in order to accommodate a large number of devotees, who throng in thousands to witness the ceremonies. Now, the festival of Thirukalyanam was shifted from old Thirukalyana Mandapam to new Thirukalyana Mandapam situated at Aadi Veethi, only in order to accommodate maximum number of devotees during the said festival. Likewise, 6th day of Masi festival conducted in the respondent Temple, which was performed by the writ petitioner Mutt every year had shifted to old Thirukalayana Mandapam and the same is performed in the traditional manner every year without any break and the same cannot be blamed. If prayer sought in the writ petition is entertained, then it would open flood gates for others to seek reversal of venue of various festivals like world famous Thirukalayanam of Arulmighu Meenakshi Sundarareshwarar, back in old Kalyanamandapam and if the said request is acceded then it would lead to restrict the number of devotees witness the performance of festival. The allegation that certain deities



W.P.(MD).No.18562 of 2023

are missing from Thirugnanasambandar Mandapam is denied. The petitioner cannot make any bald allegations. The petitioner without even disclosing the name of the deity alleges that it was missing. Moreover, the Thirugnanasambandar Mandapam has not been utilized for long period, except the 6th day of Masi Festival, Mandagapadi. In the remaining days, the said place used to be vacant. Hence, the Department has taken steps to recover lands endowed to the Temple and introduced special wing headed by Special Tahsildar for Temple lands and the said office was permitted to function in the said place for a short while and, due to the need of additional space, now the said office was shifted to office attached with the office of the Joint Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department, Madurai. After shifting the said office, now the said place is utilized for the purpose of manufacturing Laddu Prasadam which is being distributed to the devotees free of cost the whole day. The allegation of the petitioner that because of manufacturing center of Laddu at the Thirugnanasambandar Mandapam, the mandapam is damaged is denied as false. The respondent Temple have taken effective measure to protect the heritage of the Temple and whenever a damage is found in any part of the Temple after recording the pattern of the damage and after getting permission



W.P.(MD).No.18562 of 2023

from the High Court High Level Committee, it was restored to original position and in some places, they have also improved the heritage value as historical events. As on date, no damage was found place in the above said Mandapam. It is pertinent to note that Thevara Padasalai was not mentioned in any of the evidence that it was conducted from time immemorial and from historical records, there was no record to show that Thevara Padasalai was conducted by the petitioner Mutt within the Temple premises as claimed by the writ petitioner. The petitioner has not produced any records to this effect. The respondent Temple runs “Othuvar Training School” an institution to impart education in recitation of holy Tamil hymns and to encourage Othuvars from the year 2013 and free food, clothing, accommodation and medical amenities are offered to the students of the said training School and they are being provided a monthly stipend of Rs.4,000/- per month during their curriculum. Panniru Thirumurais including Thevaram with Tamil pann music is being taught here for three years and after completion of the course, the students will be appointed in the respondent Temple. Apart from this, throughout the year on special festival occasions in the presence of Temple Othuvar trainee students and Othuvars from other Temples are performing Panniru Thirumalai including Thevaram before Nalvar Sannathi situated near by Arulmighu Sundareswarar



W.P.(MD).No.18562 of 2023

Sannathi. Apart from this as per records and historical records, the respondent Temple have not permitted any one to conduct Thevaram classes inside the Temple premises as claimed by the petitioner. The reference in the impugned proceedings, about the disputed place, as old Devara Padasalai, is by mistake and having been swayed away by the claim of petitioner, in his representation. Anyhow, such reference is contrary to the records and real facts and therefore will not operate against the respondent. One A.Radhakrishnan filed Writ Petition in W.P.(MD).No.23996 of 2022 praying to secure and safeguard all the properties of the eighth respondent therein by considering the petitioner's representations and this Court vide order dated 13.12.2023 disposed of the said Writ Petition with certain observations that the properties belonged to the Temple and mutt should be utilized for the benefit of religious institutions only. Therefore, the writ petitioner cannot claim any right over the said place. Therefore, the respondents prayed to dismiss the Writ Petition.

6. Heard Mr.RM.Arun Swaminathan, learned counsel for the petitioner and Mr.V.R.Shanmuganathan, learned Standing Counsel, for the respondent and perused the records.



W.P.(MD).No.18562 of 2023

7. The contention of the petitioner is that the said Thirugnanasambandar Mandapam was constructed by the Madurai Aatheenam long back. In the said place 6th day Mandagapadi would be celebrated and during other days the Aatheenam would conduct Thevara Padasalai. Moreover, in the said place the deity of Arulmigu Thirugnanasambandar, Lord Siva and Lord Vinayagar are consecrated, but now the said place is used to prepare Laddu. But now the petitioner is deprived to conduct Thevara Padasali in the said place but allowed to do 6th day Mandagapadi in the old Thirukalyana Mandapam. The petitioner is praying to direct the temple to allow the petitioner to conduct the 6th day Mandagapadi in the said place and thereafter for all other days allow them to conduct the Thevara Padasali in the said place. In short, the petitioner is claiming two prayers, one to allow the Mandagapadi in the said place and another to allow them to conduct Thevara Padasali for remaining other days.

8. As far as the contention of 6th day Mandagapadi celebrated in Thirugnanasambandar Mandapam is concerned, the respondents also admit that the same was conducted in the said Mandapam. But the respondents submitted that due to huge crowd the said Mandagapadi is being conducted in old Thirukalyana Mandapam and the said decision is implemented for the past 20



W.P.(MD).No.18562 of 2023

years. Likewise, there are several changes carried out and the petitioner cannot reverse the said decision. After hearing rival submissions, the only objection for conducting Mangadapadi is only huge crowd. It is seen that the said Thirugnanasambandar Mandapam is situated next to elephant shelter and near Vannimara Vinayakar. If the Mandagapadi attract huge crowds there is open space on the side of east and south of the temple. If a temporary shelter is put up then huge crowd is manageable. Infact the space would be more than the old Thirukalyana Mandapam. Therefore, the reason cited may not be convincing, since the said reason ought to be seen with another statement stated in the counter. The respondents have stated that infact the petitioner was allowed to resume one of the Kattalai i.e. Sayaratchai Kattalai, which the Mutt discontinued from performing. Such concession was granted since the petitioner Mutt being a Saivite Mutt established by Shri Thirugnana Sambandar. The other persons were not allowed to resume if they discontinued the any such Kattalai. The contention is the petitioner was granted one concession hence the petitioner is not entitled to another concession. Therefore, this Court is of the considered opinion that the reason is absurd.



W.P.(MD).No.18562 of 2023

9. As far as conducting Thevara Padasali for the remaining days in the Thirugnanasambandar Mandapam is concerned, the respondents submitted that the temple is running “Othuvar Training School” an institution to impart education in recitation of holy Tamil hymns and to encourage Othuvars from the year 2013 and free food, clothing, accommodation and medical amenities are offered to the students of the said training School and they are being provided a monthly stipend of Rs.4,000/- per month during their curriculum. Panniru Thirumurais including Thevaram with Tamil pann music is being taught here for three years and after completion of the course, the students will be appointed in the respondent Temple. After hearing the arguments of the respondents this Court is of the considered opinion that the temple running training school may be considered as school, but that should not be a reason to deprive the petitioner to teach the Thevaram to general public. Teaching Thevaram to any devotees is one of the duties of the Mutts. Moreover, it is the petitioner’s fundamental right to profess and teach Thevaram and the same cannot be deprived by citing already a school is being conducted for teaching Thevaram.



W.P.(MD).No.18562 of 2023

10. The next contention of the respondents is that there are no evidence that the petitioner was running Thevaram Padasali all these years. The learned counsel appearing for the respondent submitted that 1959 document which was published by the Temple there was no mentioned of said Paadasalai at all, for which the respondent relied on the history of Madurai Sri Meenakshi Sundareswarar Temple.

ஆடிவீதியில் தேன்புறத்தில் யானைக் கூடமும், தீவ்ய ஜீவியசங்கமும், தேவஸ்தான நூல் நிலையமும், பன்னிரு திருமுறை மன்றமும், தேவஸ்தான அலுவலகமும் (Office) உள்ளன.

Moreover, the respondent submitted that if the petitioner's claim is allowed, then other persons will start demanding to conduct any classes which cannot be permitted.

11. But the learned counsel appearing for the petitioner relied on a literature written by one K.S.Srikandan about Meenakshi Temple and submitted that 6th day function was described in the said literature. This plea was countered by the learned counsel appearing for the respondent, wherein he submitted that it has described only the festival alone but it has not stated that the said place is used as Thevaram Padasalai. The learned counsel appearing for the petitioner relied on 1963 document written by P.T.Rajan and the book was



W.P.(MD).No.18562 of 2023

published by Thirupanikuzhu, Meenakshi Thirukovil, Madurai wherein it is stated as under:

தேற்காடகவீதி

தேற்காடகவீதியில் ஒன்பதுநிலைத் தெற்குக்கோபுரத்திற்குக் கிழக்கே, யானை கட்டுமிடம், கோயில் நூல்நிலையம், தேவாரப் பாடசாலை, திருப்புகழ்ச்சபை, கோயில் ஊரியர்கள் சங்கம், தேய்வனெறிக் கழகம், பன்னிருதிருமுறை மன்றம், தண்டபாணி திருப்புகழ்ச்சங்கம் முதலியன இருக்கின்றன.

However, the learned counsel for the respondent disputed the submission and stated that it is not stating Thirugnanasambandar Padasalai. Therefore, it cannot be concluded that the place as Thirugnanasambandar Padasalai which would only the Devaram Padasalai. For which the learned counsel appearing for the petitioner submitted that the Madurai Kamaraj University has issued publication “The Madurai Temple Complex” where there is a reference of Thirugnanasambandar Mandapam. In fact, in the sketch it has been stated as “Arumutta Mudaly” and in the description it has stated that “1759-68 – Khan Sahib – Arumitta Muduly – 15. Gnanasampanta Mandapam”. But the respondents stated it is a book published by some private individuals and the same cannot be relied on. After hearing the rival submission this Court is of the considered opinion that the said book was published by Madurai Kamaraj University and the same cannot be rejected. It is an admitted fact that the Mandapam is called as “Thirugnanasambandar Mandapam” by the temple



W.P.(MD).No.18562 of 2023

themselves, as per the book “The Madurai Temple Complex” it is called as “Gnanasampanta Mandapam” and as per the book published by Thirupanikuzhu, Meenakshi Thirukovil, Madurai written by P.T.Rajan it is called as “Devaram Padasalai”. Based on the aforesaid evidence this Court is of the considered opinion that the said place was in existence as “Thevaram Padasalai” and the petitioner is right in claiming that the Mutt was running “Thevaram Padasalai” and the same was discontinued due to various reasons and the Mutt is entitled to resume the same in the said place. But sadly as on today, the respondent is using the place for preparation of Laddu by using huge stove. The respondent has produced the photograph and on seeing the photograph, this Court is of the considered opinion that the effect of cooking in oil, sugar syrup etc., could be seen in the photo.

12. Therefore, this Court directs the respondent to shift the Laddu preparing unit outside the Temple. The respondent Temple shall allow the petitioner to conduct Thevaram Padasalai and the petitioner is directed to conduct Thevaram classes free of costs. The respondent Temple shall shift the place within a period of four (4) months from the date of receipt of a copy of this order.



W.P.(MD).No.18562 of 2023

WEB COPY

13. In view of the above, this Writ Petition is allowed. There shall be no order as to costs.

05.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

The Joint Commissioner / The Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Madurai.



WEB COPY



W.P.(MD).No.18562 of 2023

S.SRIMATHY, J.

Nsr

W.P.(MD).No.18562 of 2023

05.09.2023