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W.P.No.9791 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9791 of 2012

T.A.Ranganathan

... Petitioner

Vs.

1.The Commissioner,
H.R.&C.E. Admin Department,
Nungambakkam, Chennai – 34.

2.Arulmigu Sri Devaraja Swamy Temple,
Represented by its Executive Trustee/Assistant Commissioner,
Sannadhi Street, Kanchipuram.

3.Sri Thatha Desiga Thiruvamsathar Sabha,
Represented by its Secretary, 35, Sannathi Street,
Little Kanchipuram,
Kanchipuram District.

4.Vadagalai Sri Vaishnava Sampradhaya Sabha,
Represented by its Secretary, 45-A, Sannathi Street,
Little Kanchipuram,
Kanchipuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in Pro.Rc.No.75358/2010/U.3 dated 23.11.2011 on the file of the First



respondent and quash the same with a consequential direction directing the respondents 1 and 2 to implement the order passed in O.A.No.332/1941 dated 03.02.42 passed by the then Board of Commissioners, Hindu Religious and Charitable Endowment Board and confirmed in A.S.No.147 of 1946 on the file of the Subordinate Judge at Chingleput and also as per the Order in R.C.No.69511 of 2006 dated 13.04.2007 in letter and spirit to conduct and perform Sri Thatha Desigan Sathumurai in Karthigai Anusham and Koil Desigan Sathumurai in Purattasi Thiruvonam in 2012 and thereafter on par with other Alwars and Acharyas in the evening session with Perumal only in the procession to Thiruvadi Koil and back.

For petitioner	: Mr.P.V.Balasubramaniam Senior Counsel for Mr.R.Paliandavan
For R1	: Mr.C.Jaya Prakash Government Advocate (HR & CE)
For R2	: Mr.R.Bharanidharan
For R3	: Mr.T.Ramesh
For R4	: Mr.J.Ramakrishnan

ORDER

The *lis* on hand has been instituted questioning the validity of the order passed by the Commissioner, H.R. & C.E. Department in proceedings dated 23.11.2011 relating to Sathumurai festival to Thatha Desigan, Alwars and Acharyars in Arulmighu Sri Devaraja Swamy Temple, Little Kancheepuram



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2. The petitioner states that he belongs to Thengalai Sect Srivaishnavite and a regular worshipper of Sri Devaraja Swamy Temple at Kanchipuram. The Thengalai Sect Srivaishnavites have a right to recite Tamil Divyaprabhandam Poetic verses in the said temple during festival and other days. The petitioner is the permanent resident of Kanchipuram having Miras rights in the temple, besides being a regular worshipper. The petitioner being a devotee of Lord Sri Devaraja Swamy, filed a petition before the Commissioner, HR & CE Department questioning the Sathumurai Festival performed to Sri Thatha Desigan in Arulmigu Sri Devaraja Swamy Temple. The Commissioner, HR & CE Department adjudicated the issues with reference to custom, practice and usage and rejected the claim of the petitioner as devoid of merits by confirming the earlier order passed by the the then Commissioner of HR & CE Department in R.P.No.84 of 2003, R.P.No.257 of 2005 and RC.No.69511 of 2006. The Commissioner has declined to adjudicate the views earlier adopted by his predecessors, in the matter of Sathumurai Festival to Sri Thatha Desigan. Thus, the present writ petition came to be instituted.



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3. The learned Senior Counsel appearing on behalf of the writ petitioner would submit that the temple Management/Authorities are bound to implement the order dated 03.02.1942 passed in O.A.No.332 of 1941. The said order was reiterated in A.S.No.147 of 1946 on the file of the Sub-ordinate Court at Chengalpet which was reiterated in R.C.No. 69511 of 2006 dated 13.04.2007. Thus, the spirit of the Order of the Court is to be followed for the purpose of Sathumurai Festival to Sri Thatha Desigan. In practice, the dictum of the Court is violated by the Vadagalai Sect, to their advantage at the temple, which prompted the petitioner to move the present writ petition.

4. When custom and usage is not in force nor recognised by the Court in O.A.No.332 of 1941, a new procedures set up by the Thathacharyars Sect for performing the Sathumurai festival to Sri Thatha Desigan is directly in violation of the dictum of the Commissioner in O.A.No.332 of 1941 dated 03.02.1942.

5. The learned Senior Counsel would further submit that there is no materials on record available to establish such procedures were being followed earlier, as performed now by Thathachariyar Sect in Arulmigu Sri



Devaraja Swamy Temple. Therefore, the order of the Commissioner is running counter to the custom and usage as determined by the Commissioner in O.A.No.332 of 1941 and in A.S.No.147 of 1946 and consequently, the order is to be set aside.

6. Mr.T.Ramesh, the learned Counsel appearing on behalf of the 3rd respondent/Sri Thatha Desiga Thiruvamsathar Sabha representing Thathacharyars sect contented that the dictum in O.A.No.332 of 1941 is inapplicable in respect of performance of Sathumurai festival to Sri Thatha Desigan in Arulmigu Sri Devaraja Swamy Temple. Therefore, the petitioner is attempting to misinterpret the scope of the order passed by the Commissioner in O.A.No.332 of 1941. The list of Alwars and Achariars stated in the order would reveal that Sri Thatha Desigan was not included in the list of Alwars and Achariars. Therefore, the question of non-implementation of the order of the Commissioner in O.A.No.332 of 1941 would not arise at all.

7. The learned Counsel for the 3rd respondent would further submit that the festival to Thatha Desigan is mainly celebrated on Karthigai



Anusham for a single day to celebrate his birthday. There is no idol/Uthsava moorthy of Sri Thatha Desigan in the festival. Thus, the Sathumurai Festival to Sri Thatha Desigan being celebrated by Thathacharyars Sect for past more than 300 years is not falling within the ambit of the order passed by the Commissioner in O.A.No.332 of 1941.

8. The learned Counsel appearing on behalf of the 2nd respondent/Arulmigu Sri Devaraja Swamy Temple made a submission that the performance of various festivals at Sri Devaraja Swamy Temple including Sathumurai Festival for various Alwars and Achariars by both the sects are being celebrated as per the custom and practice prevailing in the temple.

9. Unlike other Alwars and acharyars in the temple, there is no Uthsava Vignanam for Shri Lakshmi Kumara Thatha Desigan. All other Alwars and Acharyars for whom Sathumurai is performed on the earlier birthday celebration have Uthsava Moorthy/Vignanam (statue) taken in procession along with Perumal after conclusion of Sathumurai. As there is no Uthsava Moorthy for Shri Lakshmi Kumara Thatha Desigan, Perumal and Thayar alone would go in procession. Thus, Sri Lakshmi Kumara Thatha



Designan Sathumurai festival is entirely different from the Sathumurai performed for other Alwars and Acharyars at Sri Devaraja Swamy Temple.

Further, Shri Lakshmi Kumara Thatha Designan does not participate in Rapathu and Pagalpathu Uthsavam. During which, all Uthsava Moorthy's, Alwars and Acharyars are assembled in front of Lord Varadar's Sanctum Sanctorium.

10. The performance of festival of Shri Thatha Designan Sathumurai day is fully governed by custom and usage followed in temple for more than 150 years and not by the Orders referred by the petitioner. Thus, the respondents are bound by customs and usage followed in temple for centuries and has no Authority to deviate from the same. Thus, the prayer sought for in the present writ petition, if adopted, would deviate from the custom and usage of the temple and therefore, the Writ Petition is to be rejected.

11. Let us look in to the scope of the order passed by the Board of Commissioners, HR & CE Department, Chennai dated 03.02.1942 in O.A.No.332 of 1941. The disputes were between the T.V.Bashyakar and (1) P.G.Raghavendra Rao, (2) R.Varadathathachariar (3) Tirupakuli Tirumalai



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Thathachariar and (4) T.Ramanujachariar. The disputes before the Board of Commissioners would reveal that its history has been disfigured by the disputes between the Sects of Vaishnavites viz., Vadagalai's and Thengalai's in regard to namams. The proceedings unfold another unfortunate quarrels center around the festivals and honours to be shown to the Thengalai Guru of Manavalamahamuni and other Alwars and Acharyars on their Thirunakshatram day and the celebration of Rapathu and Pagalpathu festivals.

12. The Board of Commissioners considered certain important documents submitted by both Sects i.e., Thengalai and Vadagalai Sects. The earliest document dated 14.12.1820, is a dictum for Sathumurai for four Acharyars viz.Vedantachariar, Thatha Desigar, Manavalamahamuni and Emberumanar. Rs.7 is the prescribed scale of expenditure for each Achariyar as the word "Vagaira" is added after Vedantachariar at the heading.

13. It is not in dispute that the Thatha Desigan, the ancestor of Thathacharies and a royal priest in the Court of Vijayanagar and a great devotee to whom the temple owes much, enjoys the festival every year. In



1855 during his Sathumurai festival, the Trustees appear to have started the procession with an alleged new copper idol of Thatha Desigan. The Thengalai Sect is objected to this on the ground that the Utsavar idol had been newly introduced by the Trustees. The Trustees appear to have contended the Sathumurai festival used to be performed for Thatha Desigan in the same manner as for other Alwars and Acharyars.

14. The above findings in the order passed by the Board of Commissioners would reveal that Sathumurai festival by conducting procession with Copper Idol of Shri Thatha Desigan was in practice from the year 1855, which was objected and stopped. Therefore, the Sathumurai festival to Sri Thatha Desigan was not conducted on par with the Sathumurai festival being conducted for other Alwars and Acharyars in Sri Devaraja Swamy Temple, at Kancheepuram.

15. In Paragraph No.14 of the order of the Board of Commissioners generally indicate that on the evening of Sathumurai festival of Alwars and Acharyars including Manavalamahamuni when there are Ubhayakars, Sri Devaraja Swamy should be brought to the Shrine of the Alwars and



Acharyars concerned, after Sathumurai at the said Shrine, the Alwars and Acharyars shall be taken procession through prakarams with Sri Devaraja Swamy to the latter's shrine as far as the foot of the hill and back to his Shrine after Sri Devaraja is taken to his abode. This shall be the procedure, in case there should be Ubhayakars forthcoming. If there are no Ubhayakars, the Alwars and acharyars including the Manavalamahamuni will be taken in procession alone in the morning of Sathumurai day to Sri Devaraja Swamy Shrine and back to his own shrine after receiving honours.

16. Question arises whether Sri Thatha Desigan is to be included in the procedure as contemplated in the order of the Board of Commissioners of year 1942? In this context, it is useful to refer the order dated 13.04.2007 passed by the Commissioner of HR & CE Department in R.C.No.69511 of 2006. The Commissioner has passed the said proceedings dated 13.04.2007, pursuant to the order passed by the Hon'ble High Court dated 22.03.2000 to consider the representation and dispose of the same.

17. High Court in its order dated 22.03.2000, referred about the order passed in O.A.No.332 of 1941 and confirmed in A.S.No.147 of 1946 as



well as in R.P.No.257 of 2005 D2. The Commissioner has considered the issues relating to the manner of performance of the Sathumurai's with reference to the order passed in O.A.No.332 of 1941 as confirmed in A.S.No.147 of 1946. The Commissioner has relied on the consequential order in R.P.No.257 of 2005, which enlighten the method by which dates for the birth star of Alwars and Acharyars have been fixed. The observations made in the orders in R.P.No.257 of 2005 to be "Custom and usage" was definitely subject to the Court in O.A.No. 332 of 1941 and confirmed in A.S.No.147 of 1946. Pertinently, the procedure has been stated after fixing the date, on which the birth star of Alwars and acharyars falls, as per the procedures and guidelines issued in R.P.No.257 of 2005, the Authorities concerned shall fix the date for performance of Sathumurai for Alwars and Acharyars. The Authorities are not at their liberty to fix the timings for the performance of Sathumurai considering the Bramotsavam or other factors etc., The Executive Trustee of the temple is directed to find out the birth star of Alwars and acharyars, based on the procedures and guidelines issued under R.P.No.357 of 2005 and thereafter, to follow the procedures as enumerated in O.A.No.332 of 1941 for the performance of Sathumurai, either in the evening, if there are Ubhayakars or in the morning if there are no such



Ubhayakars. This procedure must be followed scrupulously and the calendar for the particular year is to be finalised by the Temple Authorities. In the above proceedings of the Commissioner, Alwars and acharyars covered under O.A.No.332 of 1941 and confirmed in A.S.No.147 of 1946 and in R.P.No.257 of 2005 have been stated as follows:

“Alwars:

- 1) *Poigai Alwar*
- 2) *Boothalwar*
- 3) *Peyalwar*
- 4) *Thirumazhisai Alwar*
- 5) *Thiruppanalwar*
- 6) *Thirumangai Alwar*
- 7) *Madurakavi Alwar*
- 8) *Kulasekara Alwar*
- 9) *Thodaradipodi Alwar*
- 10) *Periyalwar*
- 11) *Nammalwar*

Acharyars:

- 1) *Manavala Maamunigal*
- 2) *Koorathalwar*
- 3) *Aalavanthar*
- 4) *Udaiyavar*
- 5) *Desihan*
- 6) *Naathamuni*
- 7) *Thirukkachinambi”*

Though, the learned Senior Counsel for the petitioner would submit that the list of Alwars and Acharyars stated above in the order of the Commissioner dated 13.04.2007 is only for the festival of Rapathu and Pagalpathu, the order would indicate that the Commissioner has elaborately considered the custom



and usage regarding the Sathumurai festival for Alwars and acharyars.

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18. The order in entirety would reveal that the Commissioner has made repeated reference about the spirit of the order passed in O.A.No.332 of 1941. The Commissioner has specifically stated that Sathumurai has been decided in O.A.No.332 of 1941 and confirmed in A.S.No.147 of 1946. The Custom and Usage was definitely subject to the orders of this Court in O.A.No.332 of 1941. The birth star of the Alwars/acharyars have to be fixed and accordingly, Sathumurai is to be celebrated. When there is specific reference to the spirit of the order to celebrate Sathumurai festival to Alwars and Acharyars, the list furnished by the Commissioner would have application and therefore, the arguments advanced by the learned Senior Counsel for the petitioner, deserves no merit consideration. When the order in entirety speaks about the Sathumurai festival of Alwars and Acharyars and in the order itself names of Alwars and acharyars are indicated and admittedly, the name of Thatha Desigan has not been included. Therefore, the procedures adopted for Thatha Desigan cannot be compared with the Sathumurai festival to be celebrated for Alwars and Acharyars as stated in the Order of the Commissioner dated 13.04.2007.



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19. The Assistant Commissioner/Executive Trustee of Arulmigu Sri Devaraja Swamy Temple in his counter has categorically stated that unlike other Alwars and Acharyars in the temple, there is no Utsavar Vigraham for Sri Lakshmikumara Thatha Desigan. All other Alwars and Acharyars for whom Sathumurai has been performed in the temple, on the yearly birthday celebration have Utsavamoorthy Vigraham (Statue) taken in procession along with Perumal after conclusion of Sathumurai. As there is no Uthsava Moorthy for Sri Lakshmi Kumara Thatha Desigan, Perumal and Thayar alone would go in procession. Thus, Sri Lakshmikumara Thatha Desigan Sathumurai is entirely different from Sathumurai performed for other Alwars and Acharyars at Sri Devaraja Swamy temple at Kancheepuram. The custom and usage has been well considered as per practice prevailing in temple and the temple Authorities have stated that the practice is in vogue for about 150 years. The contention of the learned counsel for the petitioner that the Sathumurai festival being performed for Sri Thatha Desigan is to be restricted, as being celebrated for other Alwars and Acharyars, deserve no acceptance and rejected.



20. More so, the Commissioner in the impugned order has elaborately considered all the issues, custom and usage prevailing in Sri Devaraja Swami Temple at Kancheepuram with reference to Sathumurai festival to Sri Thatha Desigan and that being so, this Court is not inclined to interfere with the said order. Accordingly, the Writ Petition stands dismissed.

No costs.

01.02.2024

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

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