

Cont.P.(MD)No.1514 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2026

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THE HON'BLE MR.JUSTICE C.SARAVANAN

Cont.P.(MD)No.1514 of 2026

in

W.P.(MD)No.12647 of 2026

M.Thirupathi

... Petitioner

Vs

1. R.Raj Mohan,
The District Forest Officer,
Tenkasi Forest Zone,
Kalankarai Shencottai,
Tenkasi District.

2. Mr.Chelladurai,
The Forest Ranger,
Forest Office,
Courtallam - 627 802,
Tenkasi District.

... Respondents

For Petitioner : Mr.S.Manoj Kumar

For Respondents : Mr.R.Parthiban
Government Standing Counsel

ORDER

The petitioner is before this Court alleging wilful disobedience of the order dated 24.04.2026 passed by this Court in W.P.(MD) No.12647 of 2026. The said writ petition was filed by the petitioner seeking the



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following relief:

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"To issue a Writ of Mandamus directing the respondents 4 and 5 to grant permission to conduct "Chithra Pournami Vizha" festival including "சென்பகத்தெவி அருவியில் தீர்த்தம் எடுத்தல் மற்றும் அருவியில் நீராடுதல் and அன்னதானம்" on 22.04.2026 to 01.05.2026 for ten days, to celebrate the festival in "Sri Senbaga Devi Temple", which is situated in Courtallam Hill at Tenkasi District, on the basis of the petitioner's representation dated 26.03.2026."

2. After hearing the submissions of the learned counsel appearing for the petitioner, the learned counsel appearing for the H.R. & C.E. Department and the Temple, and the District Forest Officer and the Forest Ranger, this Court passed the following order:

"4. When the matter was taken up for admission, learned counsel appearing on behalf of the Forest Department produced a communication dated 22.04.2026 issued to the petitioner, whereby permission for conducting the festival has been granted subject to certain timing restrictions and other conditions. However, devotees have been prohibited from taking a dip in the falls on the ground that the water source is presently used as a drinking water source for the area. Since this necessity has prompted the Forest Department to grant modified permission."

3. The specific case of the petitioner is that a frisking point is located at the foothills of the Courtallam Hills, through which devotees



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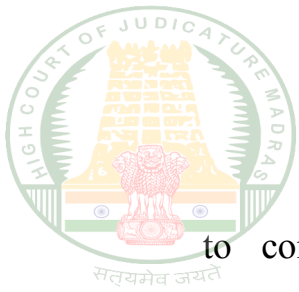
gain access to the Senbaga Devi Falls and Arulmigu Sri Senbaga Devi

WEB COPY Temple.

4. The learned counsel for the petitioner submitted that, traditionally, devotees have been permitted to take a holy dip in the Senbaga Devi Falls before offering worship at the Temple. However, during the present year, restrictions were imposed on the ground that the water flowing from the Senbaga Devi Falls ultimately reaches the Courtallam Main Falls and is intended for drinking purposes. It was therefore contended that permitting devotees to take a holy dip would result in pollution of the water, and consequently, the customary practice of taking a holy dip at the Senbaga Devi Falls was discontinued.

5. The learned counsel appearing for the Temple submitted that the water from the Senbaga Devi Falls flows into the Courtallam Main Falls and is utilised not only for drinking purposes but also for irrigation.

6. It is an admitted position that, notwithstanding the petitioner having obtained a favourable order from this Court on 24.04.2026, which was uploaded on 27.04.2026, the respondents did not permit the petitioner



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to conduct "Annadhanam" during the period from 28.04.2026 to 01.05.2026, being the last four days of the ten-day Chitra Pournami Festival.

7. The petitioner contends that the conduct of the respondents was punitive in nature and amounted to a deliberate attempt to frustrate the order passed by this Court. Taking note of the said allegation, this Court, after the conclusion of the Temple festival, passed an order in the present Contempt Petition on 01.06.2026, directing as follows:

"Status Report is filed on behalf of the petitioner. A bunch of photographs is filed. It is stated on behalf of the devotees and the temple that it would be impossible for the devotees to cook in the place that is earmarked by the Forest Department. As the 300 kilometers is steep and it is submitted that in a very safe manner, they will make arrangements well before the next May and with such safety measures, a proper kitchen can be maintained in the temple premises with the inspection of the forest department and the temple and the devotees are also undertaking to abide by such other requisites that may be required on behalf of the Forest Department which include not to generate any solid waste, more specifically the complete non use of any single use of plastic etc.

2.The Forest Department shall consider the issue by having a high level meeting and come up with further status report with reference to what are the conditions they want to impose at the entry point with reference to frisking of the devotees.



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(ii) Whether cooking can be permitted in the premises, if it is to be permitted, what are the safety measures they want to avoid fire, this can include even the upper cap by fixing carrying capacity etc. and come up with their response.

(iii) Call on 22.06.2026. It will be open for the Forest Department officials to call for any meeting with the temple authorities and the HR&CE Department also."

8. In the above factual background, the Forest Department has filed two status reports before this Court.

9. The learned Standing Counsel appearing for the Forest Department submitted that the access to Arulmigu Sri Senbaga Devi Temple is through a reserve forest, which also forms part of an elephant corridor. It was submitted that the area is ecologically sensitive and is home to several endangered species of *flora* and *fauna*. Therefore, permitting cooking activities in the vicinity of the Temple would pose a serious threat to the fragile ecosystem and the wildlife inhabiting the area.

10. Per contra, the learned counsel for the petitioner submitted that it is practically impossible to prepare "Annadhanam" at the foothills and transport the cooked food to the Temple for distribution to the devotees



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during the annual Temple festival, as well as during the monthly festival

held on every full moon day.

11. The learned counsel appearing for the Temple submitted that the Temple is primarily concerned with the conduct of the religious rituals and festivals and has no role in the issues arising from devotees carrying food articles into the reserve forest, which has invited objections from the Forest Department. It was further submitted that the Temple festival has been conducted from time immemorial and ought to be permitted to continue in the customary manner.

12. The question that arises for consideration is whether, in the facts and circumstances of the present case, any inference can be drawn that the Forest Department has committed wilful disobedience of the order dated 24.04.2026 passed by this Court in W.P.(MD) No.12647 of 2026.

13. A reading of the said order makes it clear that, while the H.R. & C.E. Department had granted permission for the conduct of the festival, the Forest Department had declined permission for conducting "Annadhanam", as had been followed in previous years, on the ground that the area falls within a reserve forest.



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14. Paragraph 4 of the order records that, by communication dated 22.04.2026, permission had been granted for conducting the festival, subject to certain time restrictions and other conditions. The order also records that devotees were prohibited from taking a holy dip in the Senbaga Devi Falls on the ground that such activity would pollute the water, which ultimately serves as a source of drinking water. This Court had thus consciously declined to interfere with the said restriction, having regard to the larger public interest in protecting the drinking water source.

15. Pursuant to the order dated 24.04.2026, the Forest Department identified an alternative location for the preparation and distribution of "Annadhanam". However, the petitioner found the said location to be impracticable. Merely because the alternative suggested by the Forest Department was not acceptable to the petitioner, it cannot be contended that the respondents had violated the directions of this Court.

16. The petitioner cannot claim, as a matter of right, permission to carry cooking utensils, fuel, stoves, provisions and other combustible materials through the reserve forest to the vicinity of the Senbaga Devi Falls or Arulmigu Sri Senbaga Devi Temple. The passage to the Temple is



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through a reserve forest, which is under the exclusive control and management of the Forest Department. The Forest Authorities are the best judges of the ecology and safety requirements of the area and are, therefore, competent to determine whether inflammable materials or articles capable of causing environmental degradation can be permitted to pass through the reserve forest during the Temple festival.

17. This Court is, therefore, of the considered view that no fault can be attributed to the Forest Department for declining permission to carry fuel, provisions, stoves and other cooking materials through the reserve forest.

18. Further, pursuant to the subsequent order of this Court dated 01.06.2026, extracted supra, the concerns expressed by the petitioner as well as the Temple have been duly addressed. If "Annadhanam" is to be prepared, the same shall necessarily be cooked either outside the precincts of the reserve forest or at such place as may be specifically identified and permitted by the Forest Department. The petitioner cannot insist upon the grant of permission contrary to the ecological concerns and statutory obligations of the Forest Department.



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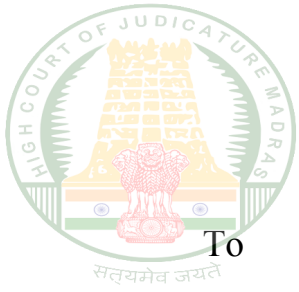
19. The materials placed before this Court also indicate that the reserve forest forms part of an elephant corridor and constitutes a sensitive ecological habitat supporting wildlife and natural vegetation. The paramount duty of the Forest Department is to ensure that the ecological balance of the area is not disturbed and that wildlife is not exposed to avoidable risks arising from human activity.

20. In such circumstances, this Court finds no material to conclude that the respondents have committed any willful or deliberate disobedience of the order dated 24.04.2026, made in W.P.(MD)No.12647 of 2026. On the contrary, the respondents have acted keeping in view the ecological sensitivity of the area and the statutory obligations cast upon them.

21. Accordingly, this Court holds that no case of contempt has been made out. The Contempt Petition is, therefore, dismissed.

NCC : Yes / No
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To

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C.SARAVANAN, J.

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