

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.06.2026

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**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.15776 of 2026

Athinamilagi

... Petitioner(s)

- Vs. -

1.The Joint Commissioner,
HR and CE Department,
Sivagangai.

2.Arulmigu Periyannayagi Amman Temple,
Rep its Manager,
Sivagangai Samasthanam Devasthanam,
Sivagangai.

3.The Inspector of Police,
Kallal Police Station,
Sivagangai District.

4.Ravichandran Alias Ravi

... Respondent(s)

5.R.Periyasamy

6.Duraiaraj Ulagappan

7.V.Jesuraj

8.Parisapuli Periyannan

...Proposed Respondents

***(R5 to R8 are suo motu impleaded
by this Court on 19.06.2026)***

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 2nd



respondent to Implement the order passed by the 1st respondent in O.A. No. 10 of 2017 dated 14.02.2019 and consequently permit the petitioner to receive the customary honour of Rettai Kalanji during the 5th Day Mandagapadi festival scheduled on 24.06.2026 at the second respondent temple with necessary police protection if required, and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner :Mr.RM.Arun Swaminathan
For R1 :Mr.S.Vashik Ali
Government Standing Counsel
For R2 :Mr.S.Madhavan
Standing Counsel
For R3 :Mr.I.Murugesan
Government Advocate(Crl.side)
For R4 to R8 :Mr.A.Saranraj

ORDER

This writ petition is filed for a mandamus directing the second respondent to implement the order passed by the 1st respondent in OA No. 10 of 2017 dated 14.02.2019.

2.The learned counsel for the petitioner would submit that traditionally, there is also a honor known as 'Rettai Kalanji' which is conferred on the 5th day Mandagapadi of the second respondent temple. It is



stated that there was an agreement which happened on 09.06.1932 wherein it was agreed that after giving the 1st respect to the Zamindar, upon payment of a sum of Rs.100/-. At the relevant point of time, the next honour of 'Rettai Kalanji' was ordered to be given to the family members of the petitioner. From then onwards, they were enjoying the benefit.

3.Suddenly in the year 2012, persons belonging to their caste starting to claim that the 'Rettai Kalanji' respect should generally belong to the members of the caste and interfered with the said right of the petitioner. Therefore, the petitioner was constrained to file O.A.No.10 of 2017 and by a judgment dated 14.02.2019, the first respondent ordered that the same should be given to the petitioner. Even thereafter the same is not implemented. Even for this year, the problem is being made. Even though the said order was implemented for two years, for the present year some of the members are not permitting the implementation of the said order and therefore, the petitioner has come up with the said prayer.

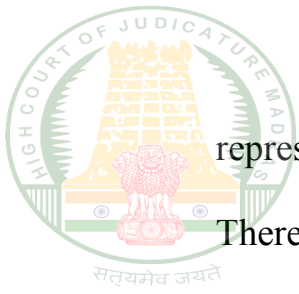
4.According to the learned counsel for the petitioner, so long as the statutory order in O.A.No.10 of 2017 is inforce, the same should be duly and punctually observed.



5.The learned Government Standing Counsel appearing on behalf of the first respondent would submit that the first respondent considered the application made under section 63 of the Hindu Religious and Charitable Endowments Act 1959 and passed an order after hearing the parties as per law.

6.The learned counsel appearing on behalf of the second respondent temple would submit that it is true that a statutory order was passed by the 1st respondent on 14.02.2019, however on a perusal of OA No.10 of 2017, it was filed on behalf of two persons viz., Periyasamy and Athinamilagi and the said Athinamilagi, who is the petitioner before this Court. It is generally given in favour of both the petitioners. But, the said Periyasamy the other petitioner therein is claiming that the right should go generally to the members of the caste and not to Periyasamy and Athinamilagi alone. As per the order, the first honour is directed to be given to both the petitioners. When both the petitioners are not coming to receive the honour unitedly, the Devasthanam decided not to give honour to any person and proceeding with the festival on that basis.

7.The learned counsel appearing on behalf of the respondents 4 to 8 would submit that even though O.A was filed, the same was filed as in the



representative capacity on behalf of the other members of the caste.

Therefore, the senior most member will receive the 'Rettai Kalanji' honour.

It cannot be said that it should be given to the writ petitioner Athinamilagi alone.

8.I have considered the rival submissions made on either side and perused the material records of the case.

9.Long ago, in British India when the Constitution of India was not in force and when Zamindari system was in force, an agreement dated 09.06.1932 was entered into by giving first preference to the Zamindar and the second preference is given to the rich persons, who deposited Rs.100/-. The same itself cannot stand scrutiny after the Constitution of India came into force. Be that as it may, based on the said agreement by considering the customary practice, OA No.10 of 2017 has been ordered. Now the parties are interpreting the said order in different ways, in any event, going by the interpretations, it is the claim of Athinamilagi that it is in the individual name of Athinamilagi and Periyasamy. Going by the contention of Periyasamy it is only in the representative capacity of the caste members. The petitioner contends that in the deposition recorded by the Joint Commissioner Periyasamy deposed in the evidence that it is only for the



individual benefit.

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10.Be that as it may, both sides are now at loggerheads. Even the claim of the Periyasamy is that it should belong to the caste members. This Court has also held that casteism cannot be promoted in the temple festival. The temple festivals has to be first celebrated in common to all the devotees.

11.In view thereof, no exception whatsoever can be taken to the stand taken by the Department that for this year they are not giving any special benefit the honour of 'Rettai Kalanji' to anyone. This is also in tune with the policy decision taken by the HR&CE Department vide circular dated 01.06.2006 that as far as possible giving individual benefits to human beings in the temple festival should be avoided. All are equal before God and giving such benefits in the form of Parivartan etc to honour individuals only results in grave heartburn and creates law and order problems and it is only the public exchequer who is spends when hundreds of policemen are deployed in these festivals.

12.Therefore, going by public interest or by the spirit of the Constitution of India or by the policy decision of the HR&CE department generally deciding not to give any honour, I am of the view that the prayer



made in the writ petition cannot be granted. From this year onwards, let the festival be conducted by treating everyone as equal devotees and by including everyone in the festival. Accordingly, this Writ Petition stands disposed of. No costs.

19.06.2026

NCC:Yes/No
Ns

To

- 1.The Joint Commissioner,
HR and CE Department,
Sivagangai.
- 2.Arulmigu Periyannayagi Amman Temple,
Rep its Manager,
Sivagangai Samasthanam Devasthanam,
Sivagangai.
- 3.The Inspector of Police,
Kallal Police Station,
Sivagangai District.



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D.BHARATHA CHAKRAVARTHY, J.

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