



W.P.(MD)No.22123 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 22123 of 2022

and

W.M.P(MD)No.16280 of 2022

Rama J.Nair

... Petitioner

Vs.

- 1.The Secretary to Government of Tamil Nadu,
Tourism Culture and Religious Department,
Secretariat, Chennai - 9.
- 2.The Commissioner
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 34.
- 3.The Commissioner
Travancore Devaswom Board,
Nandhancode, Thiruvanthapuram,
Kerala State.
- 4.The Superintendent
Archeology Department,
Padmanabhapuram Palace,
Padmanabhapuram,
Thuckalay Post,
Kanyakumari District.



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5.The District Collector,
Kanyakumari District at Nagercoil.

6.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirunelveli.

7.The Joint Commissioner,
Kanyakumari District Temples,
Headquarters at Susindram,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 7th respondent dated 12.07.2022 in Na.Ka.No. 1402/2022/F6 and quash the same, consequently direct the 7th respondent to grant permission to the petitioner to carry on the sword which was used by the Tranvancore Maharaja during the devotional procession of the Susindram Munnuthitha Nangaiamman, Venimalai Kumarasamy, Thevarakattu Saraswathi Amman from Padmanabhapuram Palace to reach Thiruvananthapuram Sri Patha Mandapam in the eve of Navarathiri Festival to be held on 22.09.2022.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.S.Kameswaran - for R1 to R6
Government Advocate

Mr.K.Sathiyasingh - for R7



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ORDER

This writ petition is filed for Writ of Certiorarified Mandamus to quash the impugned order passed by the 7th respondent, dated 12.07.2022 with a consequential direction to the 7th respondent to grant permission to the petitioner to carry on the sword of Tranvancore Maharaja during the devotional procession of the Susindram Munnuthitha Nangaiamman, Venimalai Kumarasamy, Thevarakattu Saraswathi Amman from Padmanabhapuram Palace to reach Thiruvananthapuram Sri Patha Mandapam in the eve of Navarathiri Festival.

2. Heard Mr.V.Sasikumar, the Learned Counsel appearing for the petitioner, Mr.S.Kameswaran, the Learned Government Advocate appearing for the respondents 1 to 6, Mr.K.Sathiyasingh, the Learned counsel appearing for the 7th respondent and perused the material documents available on record.

3. The petitioner is a resident of Munjirai and he was elected as a President of Munjirai Village Panchayat, Kanyakumari District and she is in public service.



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4. The contention of the petitioner is that she had witnessed the devotional procession carrying the sword of Travancore Maharaja during the Susindram Munnuthitha Nangaiaimman, Venimalai Kumarasamy, Thevarakattu Saraswathi Amman from Padmanabhapuram Palace to reach Thiruvananthapuram Sri Patha Mandapam on the eve of Navarathiri Festival during her childhood. Since she is having an ambition to hold the sword on the eve of Navarathiri Festival, the petitioner has submitted a representation, dated 28.03.2022 to grant permission to carry on the sword in the said process. The 1st respondent has directed the 7th respondent to consider the petitioner's representation and pass orders. The 7th respondent, vide proceedings, dated 12.07.2022 has declined the claim of the petitioner through the impugned order, where it is stated that the said process is conducted by the Government of Kerala and it is a Government Oriented Traditional Event and it is a customary function and hence, the petitioner is not entitled to carry the sword which was used by Travancore Maharaja. Moreover the general public is not entitled to such permission in the Traditional event of the Government.



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5. The learned counsel appearing for the 7th respondent vehemently opposed the plea of the petitioner and submitted that after completing the special poojas the sword will be handed over to the Director of Kerala Archaeology Department and thereafter, it will be handed over to the Joint Commissioner of Kanyakumari District and then handed over it to a person who belongs to a Nair Community who is working as an employee of Srikariyam of Kanyakumari District Temple and that person can only participate in the procession of deities along with the sword. The relevant portion as stated in the counter is extracted hereunder:

“After completing the special will be handed over it to the Director of Kerala Archaeology Department in the Palace will be taking the sword and presence of the above Ministers. Thereafter the Director of Kerala Archeology Department will be handed over the sword to the Joint Commissioner of Kanyakumari District Temples. After receiving the sword the Joint Commissioner of Kanyakumari District Temples will be handed over it to a person who belongs to a Nair Community who is working as employee of Srikariyam of Kanyakumari District Temples and that person can only participate in the procession of deities along with the sword. This practice has been followed from time immemorial. In that procession the sword of previous Travancore King will be taken as a representation of



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Travancore Rulers and as per the custom and practice that sword is carried by a Sreekariyam working in the Kanyakumari District Temples. This has been done from time immemorial as per the custom and practice prevailing for the function. The person who is carrying the sword has to walk through out in bare foot and this practice and function has been in force from time immemorial. The Writ Petitioner has no right to change the aged old custom and practice prevailing for Navarathiri procession”

6. When as per custom and practice the sword is carried by Sreekariyam working in the Kanyakumari Temples, the petitioner having served as President of Munjirai Village Panchayat may be considered for carrying the said sword, at least for a short distance. Therefore after taking all these facts into consideration, this Court is of the considered opinion that the impugned order declined the petitioner's request ought to be interfered. Therefore, the petitioner's request shall consider for the year 2023-2024. Therefore, the 7th respondent is directed to consider the petitioner's request and pass orders within a period of Three weeks from the date of receipt of a copy of the order. The Commissioner can also consider and allow the petitioner atleast for an half hour or for a short distance.



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7. With these directions, this writ petition is disposed of. No Costs.

Consequently, connected miscellaneous petition is closed.

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

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- 4.The Superintendent
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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 22123 of 2022**

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