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W.P.No.48613 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM:

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

W.P.No.48613 of 2025

S.Eswaran

... Petitioner

Vs

1. The District Collector,  
Collectorate,  
Tiruppur District.
2. The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
119, Uthamar Gandhi Salai,  
Nungambakkam, Chennai - 600 034.
3. The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Tiruppur.
4. The Executive Officer,  
Arulmigu Sri Mariamman Temple,  
Nathakkadaiyur,  
Kangayam, Tiruppur District.
5. S.Somasundaram
6. S.Kavinraja
7. R.Rajendran
8. S.Gopalakrishnan
9. Uthamakamint Nallathambi Sarkarai (Rajkumar) Manradiyar

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioner and all the village community people residing at Nathakkadaiyur



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Village, Kangayam Taluk, Tiruppur District for participating in the Sri Mariamman Temple Festival events i.e., Preparation of Kambam, Kambam Naduthal & bring the Kambam around the village.

For Petitioner : Mr.G.Mutharasu

For R1 to R4 : Mr.N.R.R.Arun Nataraj  
Special Government Pleader

For R5 to R9 : Mr.V.S.Usha Rani

### **ORDER**

The writ petition is filed for Mandamus directing the respondents 1 to 4 to permit the petitioner and all the village community people residing at Nathakkadaiyur Village, Kangayam Taluk, Tiruppur District for participating in the Sri Mariamman Temple Festival events i.e., Preparation of Kambam, Kambam Naduthal and bringing the Kambam around the village and for such further or other orders.

2. *Mr.G.Mutharasu*, the learned counsel appearing for the petitioner submits that as part of the festival, the *Kambam* is brought into the well and then pulled out during the night in the presence of all concerned. Thereafter, it is taken around the village and finally placed in its designated location as part of the ceremony. Every devotee is entitled to participate and the right to hold, carry or place the *Kambam* and this cannot be given based on caste. However, one particular caste group is trying to usurp the said right, while the petitioner



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and his caste people are being refused permission. As a matter of fact, last year, without reference to caste or creed, all the people of the village participated and the festival was conducted. This year again, one caste is showing resistance and therefore the petitioner is before this Court.

3. *Mr. N.R.R. Arun Nataraj*, the learned Special Government Pleader appearing on behalf of the respondents 1 to 4, would submit that this is one of the temples where caste feelings appear to exceed *bhakti*. Every year, there seems to be friction between the caste groups. While last year the festival was conducted by involving all caste groups, this year, during the peace committee meeting, the groups did not agree on any amicable solution. Therefore, it has been decided that the HR & CE official himself will lead and conduct the festival without reference to any particular group.

4. *Mrs.V.S.Usha Rani*, the learned counsel appearing on behalf of respondents 5 to 9, would submit that this is not merely a caste-based right but that a customary right of performing a particular ceremony is being claimed. It must be noted that during the entire festival, there are several ceremonies and for each ceremony, different persons claim customary rights. It is not the case of the petitioner that, in respect of every ceremony, people can participate without any reference to caste. When the respondents exclusively perform



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certain ceremonies, the petitioner's group is attempting to secularise those ceremonies.

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

6. At the outset, this Court has taken the view that once the temple is a public temple, the non-entity called caste, which exists only in the minds of the people, can no longer be a relevant factor. Caste is not a religious denomination. Any claim with reference to caste would be opposed to public policy and to the principles enshrined in the Constitution of India.

7. In that background, as far as the present year is concerned, since it is stated that no agreement has been reached between the groups, as submitted by the learned Special Government Pleader, the HR & CE official shall conduct the festival so that the devotees are not in any manner affected. The ceremony of immersing the *Kambam* in the well, taking it out, bringing it around the village and placing it shall be conducted by the HR & CE official and the priests and with due importance to devotees, without reference to caste or creed, will be entitled to participate. This arrangement shall be in vogue for this year. As far as the next year is concerned, since it is argued that it is not

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with reference to caste but it is a customary practice, whoever wants to claim any customary right shall approach the authority under Section 63 of the HR & CE Act. Upon receipt of such application, the authority shall issue notice to all contesting parties and decide the matter in accordance with law. Needless to mention, any such right claimed or granted cannot be based on the non-existent entity called caste. Needless to mention, it is for the officials to request police protection for the festival depending on the situation.

8. In view of the above, the writ petition stands disposed of. No costs.

11.12.2025

Neutral Citation: Yes/No  
nsl

To

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**D.BHARATHA CHAKRAVARTHY, J.**

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