



W.P(MD)No.17068 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND**

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.17068 of 2025

and

W.M.P.(MD) No.12948 of 2025

K.Kesavamani

... Petitioner

Vs.

- 1.The Secretary to Government,
Hindu Religious and Charitable
Endowment Department,
Secretariat, Chennai.
- 2.The District Collector,
Sivagangai,
Sivagangai District.
- 3.The Joint-Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai & District.
- 4.The Superintendent of Police,
Sivagangai.
- 5.The Sivagangai Samasthanam,
Sivagangai.



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6.The Executive Officer,
Sri Swarna Moortheswarar Temple,
Kandadevi, Sivagangai District.

7.Arunachalam

8.Ramasamy

... Respondents

*[RR8 & 9 are impleaded vide Court order dated
02.07.2025 in W.M.P.(MD) Nos.13842 and
13848 of 2025 in W.P.(MD) No.17068 of 2025]*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from granting first honour to any person in yearly temple car festival of Sri Swarna Moortheswarar Temple, Kunguma Kaliyamman Temple at Kandadevi hereinafter by considering the representation of the petitioner dated 31.05.2025.

For Petitioner	:	Mr.G.Prabhu Rajadurai for Mr.K.Vignesh Kumar
For RR1, 3 & 6	:	Mr.Veerakathiravan Additional Advocate General assisted by Mr.P.Subbaraj Special Government Pleader
For R2	:	Mr.P.Thilakkumar Government Pleader
For R4	:	Mr.T.Senthilkumar Additional Public Prosecutor
For 5	:	Mr.S.Manohar



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For R7 : Mr.K.Mahendran
For R8 : Mr.V.R.Shanmuganathan

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted to direct the respondents to forbear the respondents from granting first honour to any person in yearly temple car festival of Sri Swarna Moortheswarar Temple, Kunguma Kaliamman Temple at Kandadevi hereinafter by considering the representation of the petitioner dated 31.05.2025.

2. The learned counsel for the petitioner would submit that non-discrimination has been ensured under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as “the Act, 1959”). It is a constitutional right of a devotee in a Temple and therefore, discrimination in any form must be prevented by the Competent Authorities. He raises certain practices prevailing in the Temple which all are causing harm to certain communities.



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3. In reply, the learned Additional Advocate General would submit that no such discrimination as alleged is in practice as of now. Even last year, the festival was conducted successfully and all the people from all the communities were permitted to participate in the festival without any discrimination and therefore, the present writ petition is to be rejected.

4. The learned counsel for the petitioner would further submit that first honour should not be given to a particular community.

5. The learned counsel for the Temple would submit that an application under Section 63(e) of the Act, 1959 was filed by the Nattars and *inter se* disputes between the parties are pending.

6. High Court in exercise of powers of judicial review cannot adjudicate the disputed facts relating to religious practice. It deserves examination of witnesses, scheme and other aspects of the matter with reference to the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the Rules framed thereunder. If at



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all any grievance exists to the parties, they have to approach the competent authority under Section 63 of the Act, 1959 or under any other relevant provisions through which they can redress their grievances. Contrarily, this writ petition, at this stage, if entertained, may would cause prejudice to either of the parties or community people or result in miscarriage of justice. The examination requires not only adjudication, but examination of witness and other documents. Thus, the petitioner or other aggrieved person is at liberty to approach the Competent Authority under the provisions of the Act, 1959 in the manner contemplated under Law.

7. With the above observations, this Writ Petition stands disposed of. There shall be no order as to costs.

[S.M.S., J.] [A.D.M.C., J.]
02.07.2025

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

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and
DR.A.D.MARIA CLETE, J.

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