



W.A(MD)No.779 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.779 of 2024
and
C.M.P(MD)Nos.5778 & 13040 of 2024**

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

... Appellant /
7th Respondent

Vs.

1.Rama J.Nair

... 1st Respondent /
Writ Petitioner

2.The Secretary to Government of Tamil Nadu,
Tourism Culture and Religious Department,
Secretariat,
Chennai – 600 009.

3.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam High Road,
Chennai – 600 034.



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4.The Commissioner,
Travancore Devaswom Board,
Nandhancode,
Thiruvananthapuram,
Kerala State.

5.The Superintendent,
Archeology Department,
Padmanabhapuram Palace,
Padmanabhapuram,
Thuckalay Post,
Kanyakumari District.

6.The District Collector,
Kanyakumari District at Nagercoil.

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

... Respondents 2 to 7 /
Respondents 1 to 6

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in W.P(MD)No.22123 of 2022 dated 31.08.2023 on the file of this Court by allowing the Writ Appeal.

For Appellant : Mr.R.Shankar Ganesh

For Respondents : Mr.V.Sasikumar for R.1

Mr.P.Subbaraj
Special Government Pleader
for R.2, R.3, R.5 to R.7

No Appearance for R.4



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JUDGMENT

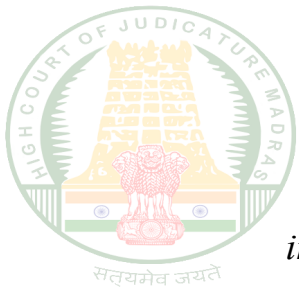
(By G.R.SWAMINATHAN, J.)

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Heard both sides.

2.The case on hand pertains to the custom practised during Navarathiri procession. It is stated that, in earlier times, the Raja of Travancore would carry the ceremonial sword in front of the deity and procession would start from Padmanabhapuram Palace to Padmanabhapuram Swamy Temple, Thiruvananthapuram and it will return on the same day. Following the abolition of royalty, the sword is being carried by Sreekariyam of the temple belonging to Nair community. While so, the writ petitioner who has served as the president of the local body for a very long time also wants to be conferred with the honor of carrying the sword. His request was rejected by the Joint Commissioner, Kanyakumari District. Challenging the same, W.P(MD)No. 22123 of 2022 was filed. The learned single Judge vide order dated 31.08.2023 disposed of the writ petition in the following terms:

“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



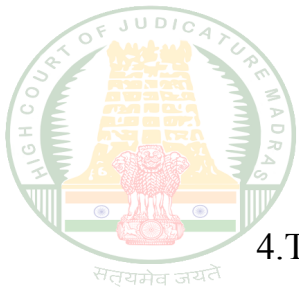
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into consideration, this Court is of the considered opinion that the impugned order declined the petitioner's request ought to be interfered. Therefore, the petitioner's request shall consider for the year 2023-2024. Therefore, the 7th respondent is 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.”

Aggrieved by the same, the Joint Commissioner has filed this Writ Appeal.

3.After hearing both sides, we are of the view that the order of the learned single Judge has to be necessarily set aside. These are matters in which custom has to prevail. Of course, custom cannot override constitutional morality. In the case on hand, we do not find anything that violates constitutional morality. When the writ petitioner does not have any customary right to carry the sword, the question of directing the department to consider his representation does not arise at all. The direction to consider a representation cannot be mechanically issued. Only if a semblance of right is shown in the representation, that representation can be ordered to be disposed of. In this case, there is no iota of right inhering in the writ petitioner. In this view of the matter, the order passed by the learned single Judge is set aside.



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4.This Writ Appeal is allowed accordingly. There shall be no order as to

costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [K.R.S., J.]
04.08.2025

NCC : Yes / No

Internet : Yes / No

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MGA

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