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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2026

CORAM

THE HON'BLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE DR.JUSTICE P.MURUGAN

WP(MD) No. 30431 of 2026

CNR:{HCMD011531332026}

S.Veeraraghavan
S/o Sampath
147, North Chithra Street,
Srirangam, Trichy-620006

..Petitioner

Vs

1. The State of Tamil Nadu
   Represented by its Secretary,
   Hindu Religious and Charitable Endowments
   Department,
   No. 119, Uthamar Gandhi Salai,
   Nungambakkam,
   Chennai 600034

2. The Commissioner
   Hindu Religious and Charitable Endowments
   Department,
   No.119, Uthamar Gandhi Salai,
   Nungambakkam, Chennai 600034.

3. The Joint Commissioner
   Sri Ranganathaswamy Devasthanam,
   Srirangam, Trichy

4. The Executive Trustee
   Sri Ranganathaswamy Devasthanam,
   Srirangam,
   Trichy

..Respondent(s)

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PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents to forthwith take all steps as may be required to ensure that the vacancy in the Peetham of the Sriranganarayana Jeeyar Madam gets filed so that the services required to be rendered in the Sri Ranganathaswamy Temple, Srirangam as per the traditions customs and usages be rendered by the newly ascended Sriranganarayana Jeeyar, within a time period stipulated by this Court and pass such other orders and thus render justice.

For Petitioner: Mr.Raguvaran Gopalan

For Respondents: Mr.P.V.Balasubramanian,
Addl. Advocate General,
Asst. by Mr.M.P.Senthil,
Govt. Pleader for R1 & R2.

Mr.M.Saravanan for R3 & R4

ORDER

Heard both sides.

2. The writ petitioner hails from Srirangam. He claims to be an ardent devotee of Arulmigu Sri Ranganathaswamy. He belongs to Sri Vaishnava Tenkalai sect. He is a sishya of the Sri Ranganarayana Jeeyar

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Mutt. The Srirangam Ranganathaswamy Temple is the foremost of the 108 Divyadesams. He is aggrieved by the non-filling up of the vacancy in the office of the Pontiff of Sri Ranganarayana Jeeyar Mutt. Hence, this Public Interest Litigation.

3. The learned Additional Advocate General straight away submitted that steps will be taken so that the said Mutt has a Head within six months.

4. We wondered if a PIL is maintainable in such cases. The answer was found in ***Adi Saiva Sivachariyargal Nala Sangam Vs. State of Tamil Nadu (2016) 2 SCC 725***. The Hon'ble Supreme Court observed that the argument that the writ petition before them was founded on a cause relating to appointment in a public office and hence not entertainable as a public interest litigation would be too simplistic a solution to adopt to answer the issues that have been highlighted which concerns the religious faith and practice of a large number of citizens of the country and raises claims of century-old traditions and usage having the force of law. The Hon'ble Supreme Court felt impelled to answer the issues raised before it on the merits thereof in view of the gravity of the issues thrown up for consideration.

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5. The Madras High Court has been more forthcoming on the point in ***Ma.Gouthaman Vs. State of Tamil Nadu 2012 SCC Online Mad 4201***. It was held that if there was any inaction on the part of the State in initiating action in a matter of public concern, the Court can give a direction to the Government in exercise of its judicial discretion in a PIL. That case pertained to the appointment of a successor of a Mutt.

6. Tamil Nadu Act 22 of 1959 was enacted to amend and consolidate the law relating to the administration and governance of Hindu Religious and Charitable Institutions and Endowments in the State of Tamil Nadu. The expression "religious institution" has been defined in Section 6(18) of the Act as meaning a Math. The term "math" has been defined in Section 6(13) as meaning a Hindu Religious Institution with properties attached thereto and presided over by a person, the succession to whose office devolves in accordance with the direction of the Founder of the institution or regulated by usage. Chapter IV of the Act deals with mutts. A mutt has to have a Mathadhipati. Normally, during his lifetime, the Mathadhipati would nominate his successor. But there could arise situations when a mathadhipati passes away without making such a nomination. When such vacancies arise, it has to be filled up in accordance with the custom of the particular institution ***(vide Shri***

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Krishna Singh Vs. Mathura Ahir (1981) 3 SCC 689).

7. In ***Vidyapurna Tirthaswami Vs. Vidyanidhi Tirthaswami (ILR 27 Mad 435)***, it was noted that in most cases, especially in Southern India, the successor is ordained and appointed by the Head of the Mutt during his own lifetime and in default of such appointment, the nomination may rest with the head of some kindred institution or the successor may be appointed by election by the disciples and followers of the Mutt or, in the last instances, by the court as representing the sovereign. This proposition was affirmed by the Hon'ble Supreme Court in ***Sri Mahalinga Thambiran Swamigal Vs. Arulnandhi Thambiran Swamigal (1974) 1 SCC 150.***

8. We take judicial notice of the fact that Sri Ranganarayana Jeeyar mutt has been a part of the administration of Sri Ranganathaswamy Temple, Srirangam. The Jeeyar who is the head of the mutt, has been invested with certain functions and powers. They have been catalogued briefly in the affidavit filed in support of the writ petition. It is stated that there is an administrative manual known as "Kovil Ozhugu". Sri Ramanujacharya himself had devised an elaborate system of running the temple. The Jeeyar occupies the apex position in the scheme of things.

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The Jeeyar has to be an ascetic. Unlike other mutt heads, the Jeeyar must take to sanyas after leading the life of a house holder. The hoary lineage of the Jeeyars can be traced to the 12th century A.D. The Jeeyars discharge spiritual functions apart from carrying out administrative responsibilities. The Jeeyar is envisaged as a neutral arbiter to ensure that Agamas are followed.

9. The 50th Jeeyar of the aforesaid mutt ascended to the Peetham in the year 1989 and passed away in 2018. He did not nominate his successor during his lifetime. As per the customs and usage of the mutt, the successor must be chosen by the Sthalattars of the temple. The decision can be unanimous or by majority. Nature abhors vacuum. So does power. If there is no Jeeyar, the power vested in him gets distributed among the Sthalattars and the Bhattars. They receive the honours in the place of the Jeeyar. Since there is no Jeeyar, there is no one to question them also. There is no incentive for them to choose the next Jeeyar. On the other hand, the status quo suits them. But it certainly infringes the rights of the devotees. A devotee of a temple is entitled to insist that its administration is carried on in accordance with the settled usages. As already mentioned, the Jeeyar has been assigned with certain special duties. He is considered as the personal attendant of the Lord Himself.

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The non-discharge of such spiritual functions on account of the vacancy in the office of Jeeyar constitutes a breach of the petitioner's fundamental rights under Article 25 of the Constitution.

10. When the Sthalattars did not extend their cooperation, the jurisdictional Joint Commissioner of the HR & CE Department ought to have nudged them into selecting a suitable successor. Instead, the department called for applications in the year 2021. But no consequential steps were taken even though there was response from duly qualified persons. That is why, when the matter was taken up for hearing, the learned Additional Advocate General submitted that they would resume the process and conclude the same within six months.

11. The said submission of the learned Additional Advocate General was reassuring in one sense. At the same time, it also set alarm bells ringing. We were shocked to note that the 50th Jeeyar was purportedly appointed vide proceedings bearing Na.Ka.No.934/99/D1, dated 01.12.1989 issued by the then Executive Officer / Deputy Commissioner of the Temple. The authority had invoked Section 55(1) of the Act for appointing the Jeeyar. The Department probably intends to carry out a similar exercise now. We have to firmly tell the department

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"Sorry! We won't permit you". There is a reason why we say so. The selection of a Pontiff is a purely religious function and can never be construed as a secular or administrative act (vide ***Ma.Gouthaman Vs. State of Tamil Nadu 2012 SCC Online Mad 4201).*** Therefore, in the very nature of things, the department cannot claim the right to appoint or even to approve the appointment. The selection has to be made by the Sthalattars. Their choice has to be formally acknowledged by the department and nothing more. We reiterate that the Jeeyar is only the servant of the deity. He cannot be considered as the employee of the temple. His status cannot be reduced to that of a temple staff. He will not come under the disciplinary jurisdiction of the trustees / fit person. Of course, if in an exceptional case, the mutt head is found to abuse his position, there are provisions in the statute to deal with the situation.

12. In the ***Commissioner, HRE, Madras Vs. Sri L.T.Swamiyar of Sri Shirur Mutt (AIR) 1954 SC 282***, it was observed that a Matathipathi is not a corporate body. He is the head of a spiritual fraternity and by virtue of his office, he has to perform the duties of a religious teacher. It is his duty to practice and propagate the religious tenets of which he is an adherent. It was further noted that the statutory scheme cannot be so construed to reduce the Mahant to the position of a servant. The

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Commissioner is no doubt invested with certain powers to pass orders, but orders can be passed only for the purposes specified in the Section and not for interference with the rights of the Mahant as are sanctioned by usage or for lowering his position as the spiritual Head of the institution.

13. In ***Marthanda Varma Vs. State of Kerala (2021) 1 SCC 225***, the Hon'ble Supreme Court held as follows:-

> "91.10. Succession to mahantship of a math or religious institutions is regulated by custom or usage of the particular institution, except where a rule of succession is laid down by the founder himself who created the endowment. (***Sital Das Vs. Sant Ram Sital Das Vs. Sant Ram, AIR 1954 SC 606)***.
>
> 91.11. The rule of custom should prevail in all cases and if any aberrations have to be corrected, such correction must take us in the direction of re-establishing the rule of custom."

14. The Hon'ble Supreme Court in ***A.S.Narayana Deekshitulu Vs. State of A.P., (1996) 9 SCC 548*** held that the protection of Articles 25 and 26 of the Constitution is not limited to matters of doctrine. They extend also to acts done in furtherance of religion and therefore, they contain a guarantee for rituals and observances, ceremonies and modes of worships which are integral parts of the religion. Performance of the

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religious service according to the tenets, Agamas, customs and usages prevalent in the temple, etc. is an integral part of the religious faith and belief. Since there is no Jeeyar in Srirangam temple to perform the traditional and customary services, and steps have not been taken to fill up the vacancy, we are constrained to intervene.

15. It may not be out of place to compare the statutory scheme obtaining in Tamil Nadu Act 22 of 1959 and the Andhra Pradesh Charitable and Hindu Religous Institutions and Endowments Act, 1987. Section 53 of the Andhra Act speaks of filling of permanent vacancies in the office of Mathathipathi. Of course, the Hon'ble Supreme Court in ***Sri Sri Sri Lakshamana Yatendrulu Vs. State of AP (1996) 8 SCC 705***, had indicated that the Commissioner would act reasonably, objectively and fairly. In Tamil Nadu Act 22 of 1959, there is no corresponding provision. The authority has only been given power to make interim arrangements and that too by having regard to the claims of the disciples. We can, therefore, safely conclude that in the matter of filling permanent vacancies in the office of Mutt Head, the department has no role. If at all, they can only acknowledge the selection of the successor made in terms of the settled usages.

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16. In Ratnakar B. Kailaje v. Ramrao Narasingrao Divigi, 1987 SCC OnLine Kar 96, it was held as follows:-

> "**31.** Matadhipathi is the head of a spiritual fraternity and by virtue of his office has to perform the duties pertaining to religious instruction. It is his duty to practise and propagate the religious tenets and precepts of which he is adherent. The object of the Math is to encourage and foster spiritual training and instruction by ensuring a competent line of teachers who could impart religious instruction to the disciples and the followers of the Math and to strengthen the religious tenets and beliefs of a particular school of spiritual thought. Math as a juristic person cannot achieve the above purpose without a Matadhipathi or a spiritual head or a presiding element. **It is only in this context, it is stated that there can be no Math without a Matadhipathi.** ..."

17. In view of the foregoing, we hold that the non-filling up of the vacancy in the office of Jeeyar in the subject Mutt infringes the fundamental rights of the disciples of the mutt including the petitioner. The Joint Commissioner, HR & CE Department, Trichy shall call upon the Sthalattars to convene a meeting at the very earliest. The Sthalattars will request eligible and suitable persons to come forward to adorn the Peetham. We leave it to the wisdom of the Sthalattars to decide on the road map. We do not want to micro-manage. But we lay down an outer time limit of six months to conclude the process.

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18. In passing, we remark that just as the Cardinals are locked inside the Sistine Chapel and the doors are opened only when the white smoke emanates from the chimney indicating the selection of the Pope, the Sthalattars should be locked inside the Mutt premises and allowed to come out only after resolving the issue. We make it clear that if the Sthalattars fail to discharge this duty cast on them, we will not hesitate to step in in exercise of our parens patriae jurisdiction. We may call upon a kindred institution to carry out this exercise. We have in mind certain eminent Vaishnavite Saints. We may enlist their services if the Sthalattars do not rise to the occasion.

19. It is not enough that a new Head is chosen. As already mentioned, he is housed in what is known as Cheran Mutt within the temple campus. He has a right to be maintained out of the income of the Mutt (P.Ramanatha Aiyar's Advanced Law Lexicon).

20. This Writ Petition is allowed on these terms. No costs.

(G.R.S.,J.) (P.M.N.,J.)
23-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
IAS/ RMI /PMU

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