

W.P.No.532 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.01.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.532 of 2026
and W.M.P.No.640 of 2026

C.Easwaramoorthy

.. Petitioner

Versus

1. The Chief Commissioner,
HR & CE Department,
19, Uthamar Gandhi Street,
Nungambakkam,
Chennai – 600 034.

2. The Joint Commissioner,
HR & CE Department,
Dr.Balasundaram Road,
Coimbatore – 641 018.

3. The District Forest Officer,
Coimbatore Division,
Coimbatore – 641 043.

4. The Executive Officer,
Arulmigu Velliangiri Andavar Temple,
Poondi,
Coimbatore – 641 112.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for the record of the 4th respondent in Na.Ka.64/1435 dated 01.12.2025 and to quash the same and



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consequently, direct the respondent to open the lock at 7th Hill top and to grant permission to stay on the top of the seventh Hill of Velliangiri temple for 48 days for the conduct of daily Nandha Deepa Pooja, and all other Pooja and Thirukalyanam every year and thereby, direct the respondent to open the locks of iron gate of Self Manifested Lord Shiva Lingam at top of the Hills for conduct of Pooja by the devotees.

For Petitioner : Mr.Marudhachalam

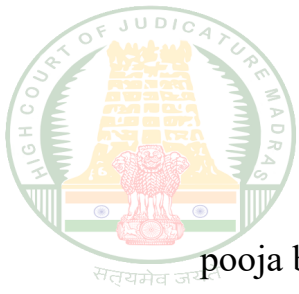
For Respondents : Mr.K.Karthikeyan,
Government Advocate
(HR & CE), for RR-1 and 2

: Mr.A.M.Ayyadurai,
Government Advocate, for R3

: Mr.N.R.R.Arun Natarajan,
Special Government Pleader,
for R4

ORDER

The Writ Petition is filed to call for the records relating to the impugned order, dated 01.12.2025, quash the same and consequently, direct the respondents to open the lock at the seventh hill top and to grant permission to stay on top of the seventh hill of Velliangiri temple for 48 days for the conduct of daily Nandha Deepa Pooja and all other poojas and Thirukalyanam every year and thereby, direct the respondents to open the locks of the iron gates of suyambulingam on top of the hills to conduct the



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pooja by devotees.

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2. Heard *Mr.M.Marudhachalam*, learned Counsel for the petitioner, *Mr.K.Karthikeyan*, learned Government Advocate (HR & CE) for the respondent Nos.1 and 2, *Mr.A.M.Ayyadurai*, learned Government Advocate for the third respondent and *Mr.N.R.R.Arun Natarajan*, learned Special Government Pleader (HR & CE) for the fourth respondent.

3. The learned Counsel for the petitioner would submit that the petitioners are the traditional inhabitants of Semmedu village. The inhabitants have a traditional right to climb on the top of the temple and light Karthigai Mahadeepam and perform Nandha Deepa Pooja for 48 days. Accordingly, when they sought for permission for this year to stay on the top of the hills and to perform the Deepam, the same was not granted. Therefore, they approached this Court by way of the Writ Petition in W.P.No.47500 of 2025. The permission is also granted by this Court.

4. Thereafter, the Forest Department imposed a condition that they should start by 7.00 A.M and comeback by 4.00 P.M. They have challenged the said condition by way of W.P.No.476 of 2026 and this

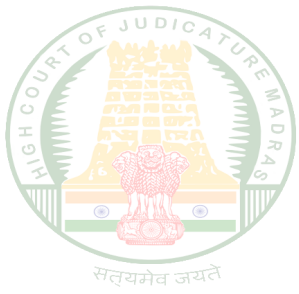


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Court, today (i.e., on 12.01.2026) (speaking through the Hon'ble Mr.Justice V.Lakshminarayanan) has enlarged the time after sunrise before sunset i.e., 6.00 A.M to 6.00 P.M. Therefore, the petitioner have got only three days left i.e., 13.01.2026 and 14.01.2026, being the last two days of *Margazhi* and the first day of *Thai*, i.e., on 15.01.2026. For these three days, at least, the petitioner should be permitted to stay there and do the pooja.

5. During the course of the arguments, the learned Counsel for the petitioner also gave up the prayer to stay there on top of the hills and submitted that the petitioner is willing to climb up and climb down for all the three days and to that extent, at least, the temple should be opened for the petitioner.

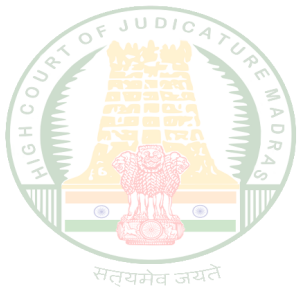
6. This Writ Petition came up for hearing on 08.01.2026 and since urgency was expressed, the matter was posted today by directing the *Mr.K.Karthikeyan*, learned Government Advocate (HR & CE) to take notice for the respondent Nos.1 and 2 and *Mr.G.Ameedius*, learned Government Advocate to take notice for the third respondent and to argue the matter. Accordingly, this matter was taken up for arguments.



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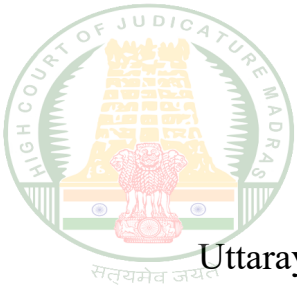
7. The learned Government Advocate (HR & CE) for the respondent Nos.1 and 2, on instructions, on the basis of the draft counter being prepared, would submit that Arulmigu Velliangiri Andavar temple is situated at Poondi in the midst of reserve forest area in the western ghats at about 35 kms away from Coimbatore city on the western side. It is a famous temple of Lord Shiva and is known for its existence and roots for the past thousands of years. The sanctum sanctorum is situated at the top of hills above the Poondi village at a distance of 5.4 kms from the foot of the hill at a height of about 6,000 feet. The deity popularly, known as Velliangiri Andavar, is suyambhulingam and is considered as southern kailash and popularly known as Then Kailayam. The sanctum sanctorum has emerged itself inside a natural rocky tower of 200 feet height. There is also a natural welcoming arch called Thoranavayil and the main deity is in the form of three natural suyambhulingams. The temple is of historical and cultural importance of our nation and it is an ancient temple having mythological background. The famous saint namely, *Katchiapa Munivar*, in his Perur Puranam, has described the glory and greatness of the Velliangiri Andavar.



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8. The hills are situated amidst the dense reserve forest of Boluvampatti forest range. The mountain has seven folds and is a part of a stretch of the western ghats and is protected as a heritage site. There is a temple which is constructed in the foothills to an extent of about 8.95 acres and the devotees are permitted to worship in the said temple at the foothills. As far as the land in respect of the said temple is concerned, the said extent has been de-reserved and converted into temple poramboke vide proceedings No.308 dated 04.06.1930.

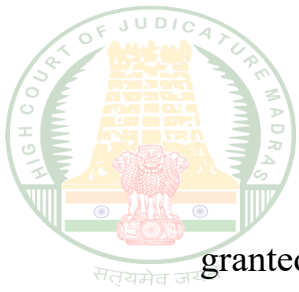
9. It is contended that Velliangiri peak is the third tallest peak in South India which is at a height of 6,000 feet from sea level. The weather at the peak will be chill and cold during the months of June to January due to southwest monsoon and cold winter. The peak is surrounded by evergreen rainy forests. Stormy winds and heavy rains are very common and snowfall, fog and dense mist are perennial during the winter season. From June to January, the entire hill area will be covered by dense clouds and mist and the visibility will be much poor. Only during the summer, the weather will be congenial for the devotees to climb the hill and the Forest Department also gives separate permission to climb the hill with such conditions. As per the Hindu Mythology and culture, the



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Uttarayanam starts only in the month of *Thai*. The pilgrimage to Velliangiri starts from Mahasivaratri which falls in the Tamil month of *Masi* and ends at the closure of Chitrapournami which ends in the Tamil month of Chithirai. That is why, the pilgrims are permitted only annually during February, March, April and May. During the permission period, the sanctum sanctorum is kept open and the festivals of Mahasivaratri, Panguniuthiram, Tamil New Year, Chitrapournami and Agninatchathiram are celebrated. This practice is century old and the temple is brought under the control of the HR & CE Department since 1964.

10. The practice of permitting the devotees to visit the sanctum sanctorum at the Velliangiri hills only during the month of February, March April and May, was originally passed in G.O.Ms.No.370, dated 09.10.1996 by the Commissioner, HR & CE Department and the same was also confirmed by the Government and published vide Special Gazette Notification No.16 dated 13.03.1998. According to the learned Special Government Pleader for HR & CE Department, there was no customary practice permitting the person such as the petitioner or any other person during the other months. Therefore, if the Forest Department has granted permission to the petitioner to climb on top of the hills, the same as been



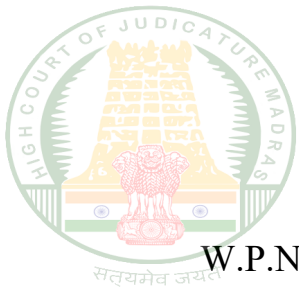
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granted incorrectly and erroneously. Even then, when the petitioner had filed a Writ Petition earlier, the petitioner was also granted an interim order and the Writ Petition is still pending. Even in W.P.No.47500 of 2025, there was no order to open the sanctum sanctorum.

11. In reply thereof, the learned Counsel for the petitioner would submit that firstly, the petitioner can very well establish that the villagers such as the petitioners have exclusive and extraordinary right to climb and celebrate the Karthigai Mahadeepam festival for 48 days. It is customary and the villagers have been celebrating the same from time immemorial. Secondly, the respondents, in violation of all the aagama and principles, are permitting the rich and affluent to climb up to the Velliangiri specially and even opening the sanctum sanctorum for the said people, while denying the rights of the common people and the people who are vested with the customary rights.

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

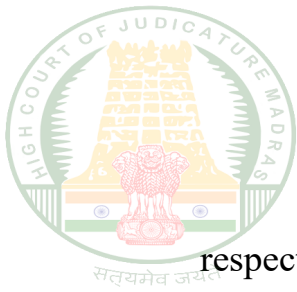
13. Since earlier orders have been passed by this Court in



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W.P.No.47500 of 2025 and W.P.No.476 of 2026 as far as this year is concerned, the said order would govern the rights of parties. The timing has been modified in W.P.No.476 of 2026 and permission has been granted to the petitioner in paragraph No.4 of the order passed in W.P.No.47500 or 2025. As a matter of fact, with reference to residing there, the order was passed with a direction to consider the representation which was rejected and challenging the same, the present Writ Petition is filed and the petitioner himself is now giving up the prayer as far as residing there is concerned.

14. On behalf of the authorities, what is pleaded is the age old practice of thousands of years and when, for thousands of years people have climbed only between Mahasivaratri and Chitrapournami, the age old practices cannot be changed suddenly. However, the learned Counsel for the petitioner claims customary rights. It may be a case that a traditional village in the area will have the customary right. But, according to the authorities, no such right existed. It can be seen that as per section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, it is for the Joint Commissioner to decide the existence of any such customary right, wherein, the petitioner can furnish all such proof in



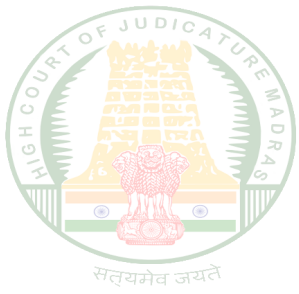
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respect of the villagers visiting the temple and conducting the festival in a customary manner.

15. This Court under the Article 226 of the Constitution of India cannot decide the issue. When it is pleaded on behalf of the respondent authorities that there was no customary practice to enter the sanctum sanctorum and especially, when it is pleaded that the gate itself has been put and the sanctum sanctorum has been locked because the people entering and scratching the suyambulingam on certain erroneous beliefs that they are carrying power to their respective homes and rackets are being floated in connection with such material and with this kind of trend in place, it is just and necessary that the issue be decided permanently by the Joint Commissioner, Coimbatore. While deciding, the following facts are to be borne in mind:-

(i) First and foremost, the safety of the deity, which is a suyambulingam, which is considered to be sacrosanct;

(ii) The pristine atmosphere of the temple and the environment, in particular, the wildlife and their movements, breeding patterns, which all proliferate well only in the said area, protected by Lord Shiva himself so far;



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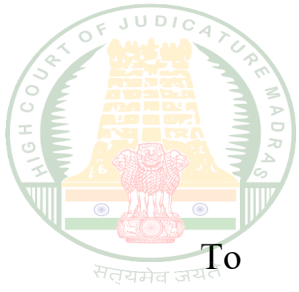
(iii) The climatic condition, including safety of the persons climbing, as it is stated that last year also a mishap happened;

16. As far as the present year is concerned, as permitted in the earlier two Writ Petitions, the petitioner will be entitled to climb on the top of the hill and light the Mahadeepam and come back. With reference to opening of the sanctum sanctorum, the petitioner shall file an application under Section 63(e) before the Joint Commissioner, Coimbatore who shall consider the same in accordance with law and pass orders within three months from the date of filing of the same so that at least, for the next year, the rights of the petitioner will be decided in the manner to law.

17. This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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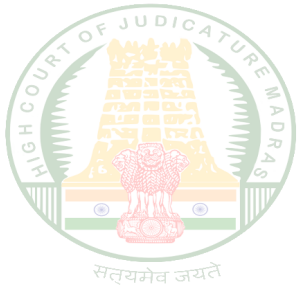


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To

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D.BHARATHA CHAKRAVARTHY, J.

grs

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