

W.P.(MD) Nos.21569 & 21669 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.08.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) Nos.21569 & 21669 of 2025

and

W.M.P.(MD) Nos.16685, 16670, 16771 & 16772 of 2025

W.P.(MD) No.21569 of 2025

M.Muthu Karuppan Ambalam

... Petitioner

Vs.

1.The Joint Commissioner (Administration),
Hindu Religious and Charitable
Endowments Department,
Madurai.

2.Arulmigu Kallazhagar Thirukovil,
Azhagarkovil,
Melur Taluk, Madurai District,
through its Executive Officer
/Joint Commissioner.

3.B.L.Mahendran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the proceedings in Na.Ka.No.1578/2025/A4 dated 29.07.2025 on the file of the second respondent and quash the same as arbitrary,



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illegal and without jurisdiction and to further direct the second respondent to confer the 'Main Parivattam Rights' to 5th Karai Ambalakarar of the Vellaripatti Village on the petitioner during the Aadi Car festival of the second respondent temple to be held on 09.08.2025 and grant other usual honours and perquisites due to the Vellaraipatti Village.

For Petitioner : Mr.H.Lakshmi Shankar

For R1 : Mr.S.S.Madhavan
Additional Government Pleader

For R2 : Mr.S.Manohar
Standing Counsel

For R3 : Mr.K.P.S.Palanivel Rajan
Senior Counsel
for Mr.SMA.Jinnah

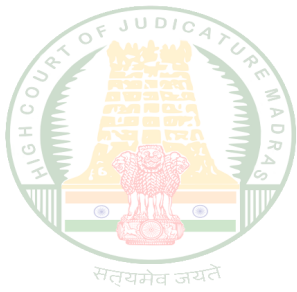
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B.L.Mahendran

... Petitioner

Vs.

- 1.The Deputy Commissioner,
O/o. The Deputy Commissioner,
Executive Officer,
Arulmigu Kallazhagar Thirukovil,
Alagarkoil, Madurai.
- 2.The Joint Commissioner,
O/o. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.



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4.V.Vijaya Kumar

5.Raguramaraj

6.M.Muthukaruppan Ambalam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.1578/2025/A4 dated 29.07.2025 passed by the first respondent and quash the same as illegal and consequently direct the first respondent to consider the petitioner's representation dated 28.06.2025.

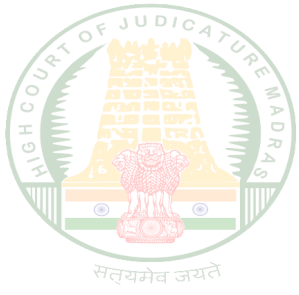
For Petitioner : Mr.K.P.S.Palanivel Rajan
Senior Counsel
for Mr.SMA.Jinnah

For R1 & R2 : Mr.S.S.Madhavan
Additional Government Pleader

For R6 : Mr.H.Lakshmi Shankar

COMMON ORDER

By this common order, both these Writ Petitions are being disposed of.



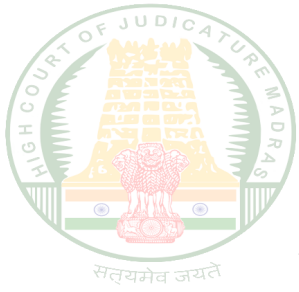
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2. In these Writ Petitions, both petitioners have challenged the order dated 29.07.2025 passed by the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department (Executive Officer, Arulmigu Kallazhagar Thirukovil, Alagarkoil, Melur Taluk, Madurai) bearing Na.Ka.No.1578/2025/A4.

3. This is the second round of litigation before this Court within a span of two years. Earlier, the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran], had approached this Court in W.P.(MD) No.22106 of 2024, wherein the said petitioner had challenged the proceedings of the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department (Executive Officer, Arulmigu Kallazhagar Thirukovil, Alagarkoil, Melur Taluk, Madurai), dated 19.07.2024 bearing Na.Ka.No.1867/2024/A4, and the consequential order dated 20.07.2024.

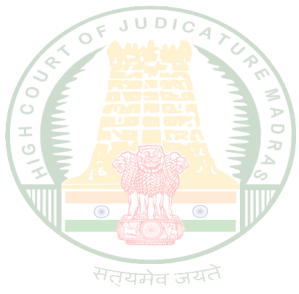
4. These orders dated 19.07.2024 and 20.07.2024 were passed on the eve of the Aadi festival in 2024 at Arulmigu Kallazhagar Thirukovil, Alagarkoil, Melur Taluk, Madurai.



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5. In the aforesaid order dated 19.07.2024, passed by the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department (Executive Officer, Arulmigu Kallazhagar Thirukovil, Alagarkoil, Melur Taluk, Madurai), it was stated that there was a possibility of a law and order problem if a smooth decision was not reached regarding the honour to be given during the 1434th Pasali Aadi festival, and that the same was being suspended. This was in the background of the representations made by the petitioner in W.P.(MD) No.21569 of 2025, [M.Muthu Karuppan Ambalam], dated 22.06.2024, and by the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran].

6. Subsequently, by an order dated 20.07.2024, the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department (Executive Officer, Arulmigu Kallazhagar Thirukovil, Alagarkoil, Melur Taluk, Madurai), based on the representation submitted by the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam], dated 19.07.2024, reversed the earlier decision suspending the conferment of honours and conferred certain privileges and honours upon the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam].



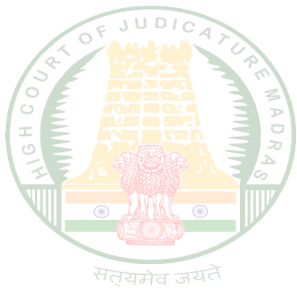
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7. After the culmination of the car festival in and around the temple premises, the said Writ Petition in W.P.(MD) No.22106 of 2024 came to be disposed of by an order dated 18.09.2024. Practically, the Writ Court, while passing the said order dated 18.09.2024, concluded that the said writ petition had become infructuous, as the festival had already been conducted and the honours had already been conferred on the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam], as per the order dated 20.07.2024 passed by the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department (Executive Officer, Arulmigu Kallazhagar Thirukovil, Alagarkoil, Melur Taluk, Madurai). The relevant portion of the said order dated 18.09.2024 in W.P.(MD) No. 22106 of 2024 reads as under:

“4. The learned Additional Government Pleader for the official respondents would submit that since the Aadi festival was already conducted and the honours have been granted during the festival, as per order dated 20.07.2024, nothing survives for adjudication in the present Writ Petition. However, the Original Application filed by the third respondent would be disposed of within a period of six months, which was acceded to by the learned counsels for the petitioner and the private respondents.

5. Recording the same, the Writ Petition stands



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disposed of with a direction to the Joint Commissioner/sixth respondent herein to dispose of the Original Application filed by the third respondent Karai, within a period of six (6) months from the date of receipt of a copy of this order. All the parties in the said Original Application shall co-operate with the proceedings. Any decision by the Joint Commissioner would be passed in accordance with law, uninfluenced by the impugned proceedings. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.”

8. An attempt was made to review the said order dated 18.09.2024 passed in W.P.(MD) No.22106 of 2024, by filing Rev.Aplw.(MD) No.206 of 2024, which was dismissed by the Writ Court by its order dated 28.01.2025, stating that there was no error apparent on the face of the record in the order dated 18.09.2024.

9. In these Writ Petitions, both the petitioners, belonging to Vellaripatti Village, Melur Taluk, Madurai District, are aggrieved by the impugned order dated 29.07.2025 passed by the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department (Executive Officer, Arulmigu Kallazhagar Thirukovil, Alagarkoil, Melur Taluk, Madurai), bearing Na.Ka.No.1578/2025/A4, whereby the Deputy Commissioner directed both the petitioners to approach the concerned



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Civil Court for relief in respect of the conferment of first honours. In the said order, reference was made to O.A.No.16 of 2015 filed by the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam] and O.A.No.25 of 2024 filed by one Jegan. The operative portion of the impugned order dated 29.07.2025 reads as under:

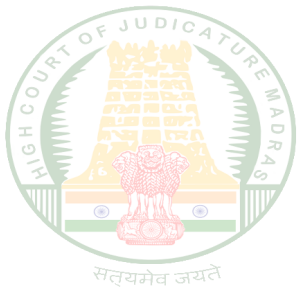
“திருக்கோயில் சார்பில் செய்யப்படுகிற தேரோட்ட மரியாதை, தமிழ்நாடு இந்து சமய அறநிலையச்சட்டம், 1959ல் வகையெண்களின்படி, HONOUR என்கிற வகைப்பாட்டைச் சேர்ந்தது.

இவ்வாறான HONOUR குறித்த சட்டநிலைப்பாடு (Settled Legal Proposition) நிலைப்பாடு பின்வருமாறு உள்ளது.

1) If honour, emolument or perquisite attached to a office in religious institution then any rival claims for such honour, emolument or perquisite can only be decided by civil court. (இந்த சட்ட நிலைப்பாடு 1957 ILR (Madras) 631 மற்றும் சின்னத்தம்பி மூப்பன் எதிர் மாமுண்டி மூப்பன் ஆகிய வழக்குகளில் மாண்பமை சென்னை, உயர்நீதி மன்றத்தால் உறுதிப்படுத்தப்பட்டுள்ளது.)

2) If any honour, emolument or perquisite is not attached to any office in the religious institution but it is mere ceremonial privileges inherent to religious practices in the religious institution then for such rights, even rival claim can be decided by Joint Commissioner u/s 63(e) of Tamilnadu Hindu Religious Charitable Endowment Act 1959.

பார்வைக்குறிப்பு 1-ல் கண்டுள்ள தங்கள் மனுப்படி, மேலத்தெரு நாட்டிற்கான ஆடித்தேரோட்ட பரிவட்ட மரியாதை தங்களால் கோருரிமை (Claim) செய்யப்பட்டுள்ள நிலையில், அதே மேலத்தெரு நாட்டிற்கான ஆடித்தேரோட்ட பரிவட்ட மரியாதை குறித்து பார்வைக்குறிப்பு 2-ல் கண்டுள்ள மனு மூலம் எதிரிடைக் கோருரிமை (Rival Claim) ஒன்று,



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வரப்பெற்றுள்ள இந்நேர்வில், மேலே குறிப்பிடப்பட்டுள்ள சட்ட நிலைப்பாடுகளின் அடிப்படையில், தாங்கள் தங்கள் கோருகிற தொடர்பாக உரிய ஆள்வரைக்கொண்ட உரிமையியல் நீதிமன்றத்தில் வழக்குத்தாக்கல் செய்து தங்கள் உரிமையை நிலை நிறுத்திக்கொள்ள தங்களுக்கு இதன் மூலம் தெரிவித்துக்கொள்ளப்படுகிறது.

எனவே, தங்கள் கோரிக்கையை ஏற்க இயலாத நிலை உள்ள விவரமும் இதன் மூலம் தங்களுக்கு தெரிவித்துக்கொள்ளப்படுகிறது.”

10. The case of the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran] is that there are four Karais in Vellaripatti Village. It is submitted that the rights were recognized as early as 29.04.1978 in O.S.No.129 of 1976 on the file of the District Munsif Court, Melur, wherein the claim made by the villagers of Narasingampatti Village that the elders from Vellaripatti Village had ceded the rights/honours in their favour, was rejected. It is submitted that the suit was dismissed, and since then, the honours have been conferred, particularly in respect of dragging one of the four temple car ropes, known as the ‘Melatheru Rope’, alternatively between the two villages, namely, Narasingampatti Village and Vellaripatti Village.

11. It is submitted that, despite the judgment and decree of the Trial Court in O.S.No.129 of 1976 dated 29.04.1978, certain disputes continued



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to persist, and therefore, O.A.No.68 of 1978 was filed by the elders of Narasingampatti Village against the elders of Vellaripatti Village.

12. The learned Senior Counsel for the petitioner in W.P.(MD) No. 21669 of 2025 [B.L.Mahendran] submits that the said petitioner's grandfather, Mr. K.M.K.Karuppan Amabalam, was impleaded as the third respondent in O.A.No.68 of 1978, and that the inter se dispute between the two villages was settled pursuant to the directions of the then Deputy Commissioner of the Hindu Religious and Charitable Endowments Department, *vide* order dated 05.10.1981. The relevant portion of the said order reads as under:

“The Honour have to be given both the villagers viz Narasingampatti and Vallaripatti Villagers, alternatively, starting with Vellaripatti Ambalakars for the coming year.”

13. The learned Senior Counsel for the petitioner in W.P.(MD) No. 21669 of 2025 [B.L. Mahendran] further submits that, despite the said order, a dispute arose between the members of the two villages regarding the right to pull the temple car using the Melatheru Rope. Consequently, in the year 1994, peace was brokered between the members of the two



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villages on 04.06.1994, wherein it was agreed that, as far as Vellaripatti

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Village is concerned, the honours would be conferred on Mr.K.M.K.Karuppan Ambalam, the grandfather of the petitioner in W.P. (MD) No.21669 of 2025 [B.L. Mahendran] in the year 1994. Thereafter, for the next five years, the rights would be conferred on the following agreed persons, and subsequently, on a rotational basis for another six years along with Mr.K.M.K.Karuppan Ambalam, the grandfather of the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran].

- 1.K.M.K.Karuppan Ambalam *
- 2.Jeevanantham Ambalam
- 3.Krishnan Ambalam
- 4.Ramanathan Ambalam
- 5.Bose Ambalam
- 6.Chellapan Ambalam

* The grandfather of the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran]

14. In 2014, it is submitted that another attempt was made to recognize the practice of conferring honours alternatively to the representatives of each village, year by year, with the first and second



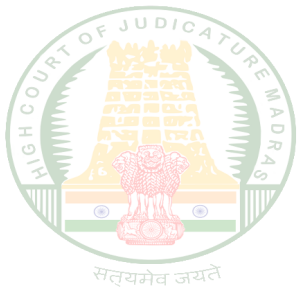
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honours being rotated among the “Karais” of Vellaripatti Village.

Accordingly, as per the agreement made before the Tahsildar of Melur Taluk, for the year commencing from 2014, the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran] was entitled to the second honour, and in the following year, to the first honour, and thereafter, the honours was to be conferred on the 4th Karai.

15. It is further submitted that there are only four Karais who are entitled to the first honour and second honours, and therefore, the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam] and others are not entitled to either the first or second honours during the temple festival.

16. It is further submitted that, despite the order passed on 19.07.2024, a contrary order was issued on the following day, i.e., 20.07.2024, and thus, the dispute remained unresolved. Therefore, it was incumbent on the part of the Deputy Commissioner to resolve the issue. However, it is submitted that the impugned order has been belatedly passed on 29.07.2025, merely directing the petitioners to work out their remedy before the Civil Court.



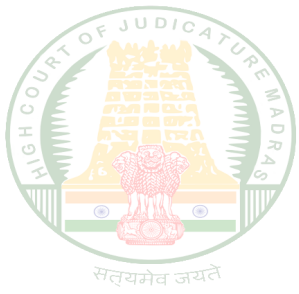
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WEB COPY 17. The learned Senior Counsel for the petitioner in W.P.(MD) No.

21669 of 2025 [B.L.Mahendran] further submits that the agreement signed before the Tahsildar on 15.07.2016 is not binding, as the powers of the Tahsildar, as an Executive Magistrate under Section 145 of the Code of Criminal Procedure, 1973, are confined only to disputes relating to land and water, and therefore, such an agreement cannot be acted upon. It is therefore submitted that the rights exercised by the four Karais, starting with the grandfather of the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran], namely, Mr.K.M.K.Karuppan Ambalam, alone have to be recognized.

18. In this connection, the learned Senior Counsel drew attention to the decision of the Hon'ble Supreme Court in ***State of Sikkim vs. Dorjee Tshering Bhutia and others***, reported in (1991) 4 SCC 243. A reference is made to paragraph 15 of the said judgment, which reads as under:

“15. The executive power of the State cannot be exercised in the field which is already occupied by the laws made by the legislature. It is settled law that any order, instruction, direction or notification issued in exercise of the executive power of the State which is contrary to any statutory provisions, is

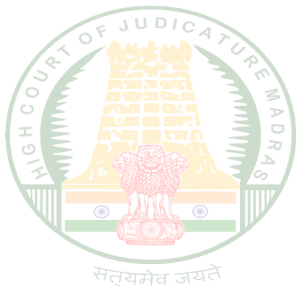


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without jurisdiction and is a nullity. But in this case we are faced with a peculiar situation. The Rules, though enforced, remained unworkable for about five years. The Public Service Commission, which was the authority to implement the Rules, was not in existence during the said period. There is nothing on the record to show as to why the Public Service Commission was not constituted during all those five years. In the absence of any material to the contrary we assume that there were justifiable reasons for the delay in constituting the Commission. The executive power of the State being divided amongst various functionaries under Article 166(3) of the Constitution of India there is possibility of lack of co-ordination amongst various limbs of the government working within their respective spheres of allocation. The object of regulating the recruitment and conditions of service by statutory provisions is to rule out arbitrariness, provide consistency and crystallise the rights of employees concerned. The statutory provisions which are unworkable and inoperative cannot achieve these objectives. Such provisions are non-est till made operational. It is the operative statutory provisions which have the effect of ousting executive power of the State from the same field. When in a peculiar situation, as in the present case, the statutory provisions could not be operated there was no bar for the State Government to act in exercise of its executive power. The impugned notification to hold special selection was issued almost four years after the enforcement of the Rules. It was done to remove stagnation and to afford an opportunity to the eligible persons to enter the service. In our view the State Government was justified in issuing the impugned notification in exercise of its executive power and the High Court fell into error in quashing the same.”

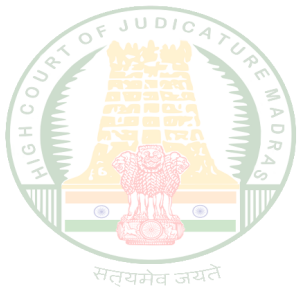


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19. The learned counsel for the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam] also seeks to assail the impugned order stating that the order has been passed in a tearing hurry without due consideration of the representation of the petitioner in W.P.(MD) No. 21569 of 2025 [M.Muthu Karuppan Ambalam]. It is submitted that the submission of the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran] that there are only 4 karais in the said village, namely Vellaripatti Village is not correct as the Court has already recognized that there are 7 karais as early as 29.04.1978 in O.S.No.129 of 1976 filed by one A.P.T.Ramasami Ambalam against the villagers and elders of the Vallaripatti Village. In support of his submission, a reference is made to paragraphs 4, 20 and 24 of the said Judgement dated 29.04.1978 in O.S.No.129 of 1976, which read as under:

“4. The 1st defendant died pending suit and the 3rd defendant impleaded himself as the successor-in-interest of the 1st defendant. The defendants 1 and 2 filed a written statement contending that the plaintiff had wrongly mentioned the name of one of the four vadams as East street when there is no such vadam and that the west street vadam will be dragged by the Vellaripatti people and the Narasingampatti Arjunan Vellaian group consisting of 30 families that when the car is about to be dragged the representatives of the four vadams will be each given a cocoanut to be broken

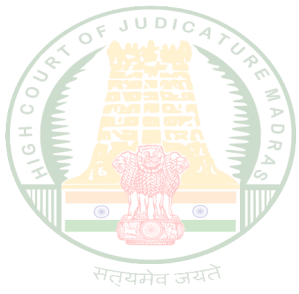


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in front of the four wheels of the car and the leader of the Vellaripatti people who represents the West street will receive the cocoanut and break it and the car will be dragged and on its arrival to its stand, the representative of the Mela theru from Vellaripatti will climb into the car and will be given the honour and perquisites viz., THEERTHAM, SANDANAM, MALAI and PARIVATTAM and other vadam leaders also will have similar honours and afterwards the Devasthanam authorities will take the respective representatives of each vadam and give to each of the leader of the vadams 60 measures of rice, Rs. 10/- and 2 DOSAIS and they will be distributed to the members of the Vellaripatti people and the Narasingampatti Arjunan Vellaian group who had participated in the dragging of the MELATHERU VADAM. This honour was enjoyed by the Vellaripatti people and the Narasingampatti Arjunan Vellaian group alternatively year after year by turn system. The leader called Periya Ambalam will be selected among the KARAIIS of the Vellaripatti and Narasingampatti Arjunan Vellaian group. The plaintiff who claims right under the agreement of the year 1927 between Narasingampatti Arjunan Vellaian group and the Vellaripatti group represents only Thummachi group which has got no connection in 1927 agreement and is a stranger to ask for the honours. (The plaintiff subsequently amended the plaint by describing himself as belonging to Arjunan Vellaian group.) The agreement of the year 1927 was not followed. The plaintiff is not a party to that agreement and the seven KARAIIS of Vellaripatti are not represented in that deed. The said agreement was not put into force. The persons mentioned in the agreement never enjoyed those honours for any year in their life time. The plaintiff or Narasingampatti Arjunan Vellaian group never enjoyed this honour in 1927 or subsequently till today. The defendants are not parties to the document of the year 1946. The plaintiff is not also a party to that document. The Vellaripatti people are not parties to the agreement



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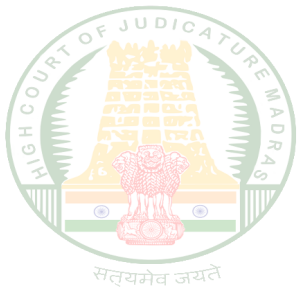


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of the year 1960 relied on by the plaintiff. The abovesaid two agreements are not binding on the Vellaripatti people and they were not also acted upon. The plaintiff never received the honour even for single year. So the suit for permanent injunction does not lie. The plaintiff filed a case in O. A. No. 4/65 before the Deputy Commissioner, H. R. & C. E., Madurai seeking the honours of the ADI Car festival. It was dismissed and so this suit is hit by RES-JUDICATA under Sections 11 and 12 C. P. C. The suit is bad for non-joinder of all the seven karais of Vellaripatti and also the Executive Officer of Sri Kallalagar Devasthanam. The suit filed by the plaintiff in his individual capacity is not maintainable.

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20. ISSUE Nos. 1 to 3: The plaintiff has filed this suit on the basis of the agreement dated 9-8-27 which has been filed as Ex. A3. The relief (a) in the plaint itself has been claimed on the basis of Ex. A3. It is admitted that the right to receive the honours belonged to the two villages viz., Narasingampatti and Vellaripatti. It is admitted by P. Ws. 1 and 3 and it is also stated in the plaint that the plaintiff and the defendants represent the Melatheru vadam. The plaintiff has stated in his evidence that he is claiming the right only under Exs. A3 and A4. It is clear even from the documents filed by the plaintiff that there were disputes between the villagers of Narasingampatti and Vellaripatti even in the year 1921. Ex. A1 which is the copy of an order passed by the Sub-divisional Magistrate of Melur Division on 20-9-1921 prohibiting certain persons of Vellaripatti village from obstructing or interfering with the action of the manager in tying the parivattam to one C. Perumal Ambalam of Narasingampatti proves this fact. There is no averment in the plaint that the right claimed by the plaintiff is based on any custom or usage of the Periya Ambalam of Narasingampatti receiving the honours. The plaint is

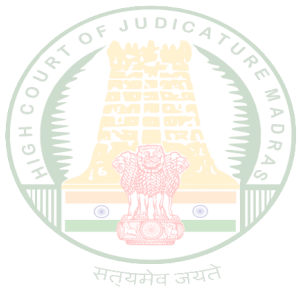


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also silent about exercises of any such right before the year 1927 by either of the party. According to the defendants, the agreement Ex. A3 was brought about by one Sundararaja Ambalam, the ancestor of the plaintiff when he was a member of the Executive Committee of Sri Kallalagar Koil from 1921 to 1930. It is admitted by P. W. I that the said Sundararajan was a member of the temple committee. According to the plaintiff, Ex. A3 was an agreement reached between the villagers of Narasingampatti and Vellaripatti and it is binding on the defendants who belong to Vellaripatti. The learned counsel appearing for the plaintiff contended that the decisions of the villagers have to be resolved by the decision of the majority and such decisions are binding on the minority and in support of that proposition relied on the decision reported in 37 M. L. J. 554. The said proposition is not disputed by the counsel for the defendants. But it is contended on behalf of the defendants that Ex. A3 was not executed by the executants in their capacity as the representatives of Vellaripatti village and that it was brought about at the instance of the abovesaid Sundararajan Ambalam. One Ka. Malaiyandi Ambalam and one தொ. மா. Periya Pulian Ambalam have executed the document for Vellaripatti. They have been described as the "முக்கியஸ்தர்கள்" of the village. **Admittedly Vellaripatti consists of seven karais six belonging to Kallars and one belonging to Kones.** Each karai has a Periya Ambalam. Admittedly the two persons who have signed Ex. A3 have not signed it either as Ambalams representing the village or karai Ambalam. The representatives of all the six karais of Kallars have not joined in that document. Further it is in evidence that from the year 1921 onwards till today there exists disputes about the receipt of the honours for the Melatheru vadam and that dispute remains unsolved and no one is getting honours. P. W. I has admitted the fact that from the year 1945 no one has received the honours. He stated that in the year 1976 he received the



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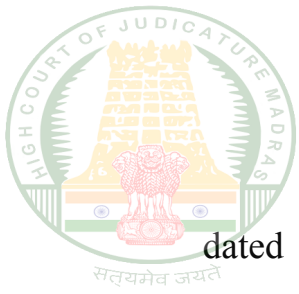
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Theertham etc. after filing this suit and getting the order of temporary injunction and that even in that year the police prevented him from receiving the honours. Thus it is clear that the agreement Ex. A3 is not at all been implemented or acted upon.

.....

24. It has been found even in the answer to the additional issue No 1 framed on 11-8-77, that the reliefs claimed by the plaintiff in this suit are mere honours. They are not attached as emoluments to any office. Admittedly the Narasingampatti village which the plaintiff represents and the Vellaripatti village to which the defendants belong are equally entitled to the gifts given by the temple. It is also in evidence that the North street vadam consist of four branches and they enjoy the honours by turns each branch receiving them in one year. The village common is a fluctuating body and the management of its public affairs are done by the decision of the majority. It is a fluctuating body and it cannot be stated that the present occupants of Vellaripatti village are bound by the decisions taken by their predecessor-in-interest in the year 1927 under Ex. A3. The defendants do not dispute the right of the plaintiff to receive the honours in question. They only claim as in the case of North street vadam that the Ambalagars of Narasingampatti and Vellaripatti are each entitled to receive the Honours by turns. When the majority refuses to concede the claim of the plaintiff, he has to obey the majority and concede the claim of the Vellaripatti people.”

20. It is further submitted that while the *inter se* dispute regarding the rights between Vellaripatti and Narasingampatti Villages was resolved by the Civil Court in O.S.No.129 of 1976, *vide* its Judgment and Decree

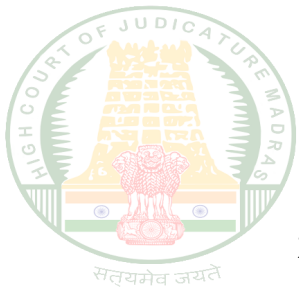


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dated 29.04.1978, and by the Deputy Commissioner in O.A.No.68 of 1978, *vide* order dated 05.10.1981, for several reasons, the rights could not be conferred due to the continuing disputes, and attempts were made in 1994, 2014, 2016, and on the other dates mentioned above.

21. The learned counsel for the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam] further submits that a wrong decision was taken by the Deputy Commissioner on 19.07.2024 in his proceedings bearing reference Na.Ka.No.1867/2024/A4, which was rectified immediately on 20.07.2024, pursuant to the representation given by the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam] on 19.07.2024.

22. It is further submitted that the agreement arrived at on 15.07.2016 makes it clear that seven Karais were entitled to certain privileges and that only six Karais were entitled to first and second honours, i.e., *Parivattam*, while the seventh Karai was not entitled to such honours. It is further submitted that, however, all the Karais were entitled to receive the other honours, i.e., *Theertham*, *Santhanam*, *Malai*, etc., including *Prasadam* and *Coconut*.

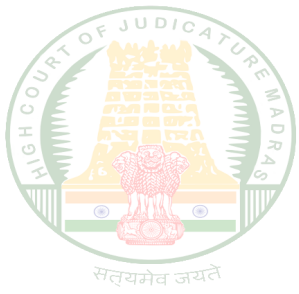


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23. It is submitted that since the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran] was conferred the second honour in 2014 and the first honour in 2015, his next turn would have been in 2028 for the second honour and in 2029 for the first honour. However, due to the outbreak of Covid-19 during the years 2020 and 2021, the temple festival was not permitted to be conducted. Consequently, the conferment of second and first honours was delayed. It is therefore submitted that the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam] was conferred the second honour during the Aadi festival in 2024, and this year, he is entitled to the first honour.

24. It is further submitted that, having acquiesced to the arrangement dated 15.07.2016, signed during the peace committee meeting held before the Tahsildar of Melur Taluk, it is not open for the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran] to now question the rights. It is further submitted that the rights which were conferred and acted upon up to 2019 ought to have continued from 2022 onwards (the temple festival having not been conducted for two years due to outbreak of Covid 19), in accordance with the agreement signed during the peace committee meeting held on 15.07.2016.



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25. As far as the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department (Executive Officer, Arulmigu Kallazhagar Thirukovil, Alagarkoil, Melur Taluk, Madurai) is concerned, the learned Standing Counsel for the temple submits that, each year during the temple festival, the temple car is drawn around the temple premises, and four long ropes are used for this purpose, with the rights to pull each rope assigned to certain groups, as follows:

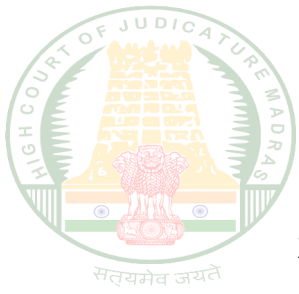
1st Rope : Velliyankundram Zamin

2nd Rope : Vellaripatti Village and Narasingampatti
Village known as Melatheru

3rd Rope : Therkutheru Villages

4th Rope : Mangulam and other Villages

26. It is submitted that the *inter se* rights for pulling the ropes of the temple car were decided as early as 29.04.1978 in O.S.No.129 of 1976, and the said decision was reiterated by the then Deputy Commissioner in O.A.No.68 of 1978 dated 05.10.1981.



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27. As far as the rights of first honour after the temple car is drawn near the sanctum sanctorum are concerned, the same were recognised as early as 2014 during a peace committee meeting held before the Tahsildar on 30.07.2014, with certain modifications made on 15.07.2016. Therefore, as far as the temple is concerned, the temple will permit only those persons who are deputed by each of the Karais among the villagers.

28. It is further submitted that, since there is a large-scale dispute between the petitioners in both Writ Petitions, one Jegan, who has filed O.A.No.25 of 2024 and others, the Deputy Commissioner, *vide* the impugned order dated 29.07.2025, directed the parties to work out their remedy before the Civil Court, as it is not possible for the Deputy Commissioner to decide the *inter se* dispute.

29. Having considered the arguments advanced by the learned Senior Counsel for the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran], the learned counsel for the petitioner in W.P.(MD) No. 21569 of 2025 [M.Muthu Karuppan Ambalam], the learned Standing Counsel for the temple, and the learned Additional Government Pleader for the Hindu Religious and Charitable Endowments Department, I am of

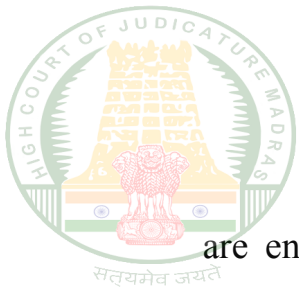


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the view that the submission of the petitioner in W.P.(MD) No.21669 of 2025 [B.L. Mahendran], that there are only four Karais in Vellaripatti Village, cannot be countenanced, in view of the judgment and decree dated 29.04.1978 passed by the District Munsif Court, Melur, in O.S.No. 129 of 1976, wherein, in paragraph 20, it has been stated that “*Admittedly Vellaripatti consists of seven Karais six belonging to Kallars and one belonging to Kones*”.

30. The said decision has not been reversed or set aside. In fact, the grandfather of the petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran], Mr.K.M.K.Karuppan Ambalam, was the third defendant in the said suit.

31. The paragraphs extracted above, in the course of the discussion on the submissions of the respective counsels, clearly indicate that there are seven Karais in Vellaripatti Village, Melur Taluk. Thus, all seven Karais can have equal right to participate in the temple festival, which begins with the pulling of the temple car around the periphery of the temple. Therefore, those who have been traditionally conferred rights from the concerned village, or on whose behalf the temple car is drawn,

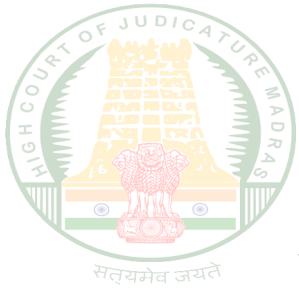


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are entitled to receive the first and second honours of *Parivattam* and other honours, such as *Theertham*, *Santhanam*, *Malai*, etc., including *Prasadam* and *Coconut*.

32. There is also no dispute that the seven Karais include six Karais belonging to the Kallar community and one belonging to the Konar community from Vellaripatti Village in Melur Taluk. Only the first six Karais are entitled to the first and second honours, as per the agreement signed before the Tahsildar, which has been acted upon, though intermittently.

33. The fact remains that, since 2014 onwards, the Karais have been taking turns alternatively for the second and first honours. The petitioner in W.P.(MD) No.21669 of 2025 [B.L.Mahendran] himself was the recipient of the second honour in 2014 and the first honour in 2015, as per the agreement dated 15.07.2016 signed before the Tahsildar in a peace committee meeting. As per the said agreement, his turn would come 12 years later, as the 7th Karai belonging to the Konar community is not entitled to the Parivattam alone.



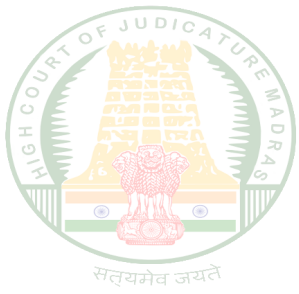
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34. Thus, there are prima facie indications that the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam] is entitled for the first honour during this Aadi festival, that is schedule to be held on 09.08.2025 (Saturday).

35. However, it remains to be established as to whether the recognition of rights from 2014, which was crystallized in writing in 2016, has attained the status of a custom, which has to be followed in the years to come. This question has to be decided in civil proceedings, as rightly held by the Deputy Commissioner in the impugned order dated 29.07.2025.

36. It is to be noted that the claim for these first honours in the temple appears to be an age-old practice that was followed during the feudal era. The establishment of such rights has been incorporated under Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The practice of conferring such rights, *prima facie*, appears to be anathema to the right of equality enshrined in Article 14 of the Constitution of India.

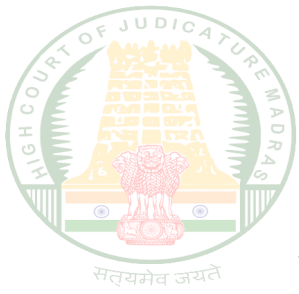


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37. I have already observed in an order dated 31.07.2025 in ***Marimuthu vs. Commissioner, Hindu Religious and Charitable Endowments Department and others***, passed in W.P.(MD) No.18490 of 2025, and in an interim order dated 31.07.2025 in ***Kasinathan and another vs. The Joint Commissioner, Hindu Religious and Charitable Endowments Department and others***, passed in W.P.(MD) No.20839 of 2025, that it is time for Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 to be struck down or deleted from the statute by the Legislature, taking note of the fact that it is not in consonance with the cherished dream under the Preamble to the Constitution, Part III (particularly Article 14), Part IV, and Part V of the Constitution of India.

38. I have also observed that such practices, including the grant of first honour in temples, foster discrimination and unrest, and have the propensity to cause communal disharmony among citizens, thereby demonstrating a form of passive untouchability prohibited under Article 17 of the Constitution of India.



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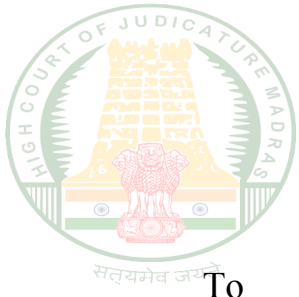
39. However, this is a larger issue, which has to be addressed independently as and when appropriate petitions are filed for a declaration that Section 63(e) of the Hindu Religious and Charitable Endowments Act, 1959 is ultra vires, if the Legislature does not bring in any amendment to strike down or delete the same.

40. Be that as it may, insofar as this case is concerned, for the reasons stated above, the Deputy Commissioner of the Hindu Religious and Charitable Endowments Department (Executive Officer, Arulmigu Kallazhagar Thirukovil, Alagarkoil, Melur Taluk, Madurai) is directed to confer the first honour to the petitioner in W.P.(MD) No.21569 of 2025 [M.Muthu Karuppan Ambalam] for this year.

41. In the result, these Writ Petitions are disposed of with the above directions and with liberty to approach the Civil Court to establish their rights as stated above. No costs. Consequently, the connected Miscellaneous Petitions are closed.

06.08.2025

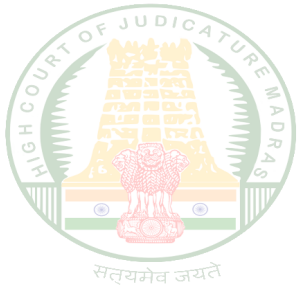
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Index : Yes
Internet : Yes
Neutral Citation : Yes



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To
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- 1.The Deputy Commissioner,
O/o. The Deputy Commissioner,
Executive Officer,
Arulmigu Kallazhagar Thirukovil,
Alagarkoil, Madurai.
- 2.The Joint Commissioner,
O/o. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.



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06.08.2025