

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 881-883 OF 2012

THIRUKURUNKUDI JEEYAR MUTT

Appellant(s)

VERSUS

SUNDARA SUBRAMANIAN (DEAD)
(FOR THEMSELVES AND AS REPRESENTATIVES
OF SAIVAITES) AND ORS.

Respondent(s)

WITH

CIVIL APPEAL NOS. 2062-2064 OF 2012

WITH

SPECIAL LEAVE PETITION (C) Nos. 32294-32296 OF 2011

O R D E R

The Civil Appeals and the Special Leave Petition on hand, arise out of a suit in OS No. 288 of 2004 filed by one Chokkalingam (now deceased and whose legal representative is the first respondent herein), praying for a declaration that the removal and relocation of the Mahendragirinathar shrine (Sanctum of Lord Shiva) located inside the precincts of a very famous vaishnavaites temple by name Thirukurungudi Azhagiya Nambirayar temple, which is one of the 108 sacred Vaishnavaites Temples in the world, was illegal and for a mandatory injunction to restore the same to its original place. The suit was filed in a representative capacity for and on behalf of the Saivaites, who felt offended by the removal and relocation of the Sanctum of Lord Shiva.

The main temple namely Thirukurungudi Azhagiya Nambirayar temple is under the control of the Tirukkurungudi Jeeyar Mutt, whose pontiff is the appellant in three of the above appeals. Therefore, the Mutt represented by the pontiff, was made the first defendant and the officials of the Hindu Religious & Charitable Endowments Department were made the defendants 2 and 3.

There were also writ petitions and criminal cases on the same subject matter, about which we are not now concerned. During the pendency of the suit, the State Government issued an order in G.O.M.S. No. 55, Tamil Development, Culture and Religious Endowments Department dated 08.04.2005 under the provisions of Tamil Nadu Hindu Religious & Charitable Endowments Act and the provisions of The Religious Institutions (Management and Preservation of Properties) Rules, ratifying and approving the action of the Mutt (the appellant in 3 of the above appeals) in relocating the Sanctum of Lord Shiva.

The suit was decreed by the trial court on 14.03.2006. But the Judgment and Decree were reversed by the First Appellate Court on 14.10.2009. However, the second appeals arising out of the same were allowed by the High Court on 29.11.2010. It is against the said Judgment of the High Court that the above appeals have been filed.

As stated above, the appellant in three of the above appeals, is the Vaishnavaita Mutt represented by the pontiff, which is also located inside the precincts of the temple. The other civil appeals are filed by Defendant Nos. 7 to 9 in the suit, who support the stand of the Pontiff.

As could be seen from the facts narrated in the appeals, the original cause of action for the Saivaites to file the suit, was the removal and relocation of the Sanctum of Lord Shiva. The removal and relocation of the Sanctum of Lord Shive, which triggered the dispute, was at the instance of the appellant.

The appeals were listed for final hearing before this Court on 21.04.2022. At that time, taking into account the nature of the dispute, we suggested to the learned Senior Counsel appearing for the rival parties that it was time for the parties to put an end to the acrimony and restore the *status quo ante* as it prevailed for centuries, before the act of removal and relocation.

The suggestion made by this Court was well taken by the Pontiff of the appellant-Mutt and his supporters who are the appellants in the other appeals. In other words, the Pontiff has gracefully agreed to relocate the Sanctum of Lord Shiva (Mahendragirinathar Shrine), at the place identified

as Spot 'E' in the Local Commissioner's Report dated 03.08.2004. The relocation in the original position shall be done, by following all necessary religious rites and rituals.

The consecration/Kumbhabhishekam shall also be performed immediately after the relocation, as per Sastraic injunctions.

G.O.M.S. No. 55, Tamil Development, Culture and Religious Endowments Department dated 08.04.2005 shall stand rescinded.

All the pending proceedings, civil or criminal, before all courts and authorities in respect of the subject matter of the dispute, shall stand resolved on the above terms.

As a consequence, the Judgment and Decree of the High Court impugned in these civil appeals shall stand substituted by this order. The Hindu Religious & Charitable Endowments Department of Tamil Nadu shall render all assistance to the appellant-Pontiff and others, for carrying out the relocation and consecration.

Since the suit out of which the above appeals arise, was a representative suit filed under Order I Rule 8 of the Code of Civil Procedure, we did not insist on the appellants and respondents entering into a formal settlement. However, all the learned counsel appearing for all the parties before us,

including Sh. R. Venkataramani, Sh. Gopal Subramaniam, Mr. Nidhesh Gupta and Sh. S. Nagamuthu, learned senior counsel, were very happy to agree to the above terms, as suggested by us and as agreed to by the appellant-Pontiff.

But by way of abundant caution, we make it clear, in exercise of the powers conferred by Article 142 of the Constitution of India, that this order shall be binding on all concerned and no one shall reopen the dispute under any pretext, technical or otherwise.

The appeals and the Special Leave Petition are disposed of on the above terms.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

New Delhi;
MAY 10, 2022.

ITEM NO.101

COURT NO.10

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 881-883/2012

THIRUKURUNKUDI JEEYAR MUTT

Appellant(s)

VERSUS

SUNDARA SUBRAMANIAN (DEAD)
(FOR THEMSELVES AND AS REPRESENTATIVES
OF SAIVAITES) AND ORS.

Respondent(s)

WITH

C.A. No. 2062-2064/2012 (XII)
SLP(C) No. 32294-32296/2011 (XII)

Date : 10-05-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

Counsel for the
parties

Mr. S. Nagamuthu, Sr. Adv.
Mr. Anish R. Shah, Adv.
Mr. Y. Raja Gopala Rao, AOR

Mr. R. Venkataramani, Sr. Adv.
Mr. Vijayalakshmi Venkataramani, Adv.
Mr. S. Vallimayagam, Adv.
Ms. Meenakshi Sundaram V., Adv.
Mr. Y. Raja Gopala Rao, AOR
Mr. Chitvan Singhal, Adv.
Mr. Praveen Vignesh, Adv.

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Nidhesh Gupta, Sr. Adv.
Mr. P. B. Suresh, Adv.
Mr. Vipin Nair, AOR
Mr. Udayaditya Banerjee, Adv.
Mr. Arindam Ghosh, Adv.
Mr. Karthik Jayashankar, Adv.
Mr. Pavan Bhushan, Adv.

Mr. Amit Anand Tiwari, AAG
Mr. D. Kumanan, AOR
Mr. Sheikh F. Kalia, Adv.
Ms. Mary Mitzy, Adv.
Ms. Devyani Gupta, Adv.
Ms. Tanvi Anand, Adv.

Mr. P. B. Suresh, AOR

Mr. B. Balaji, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Sumit Kumar, AOR

Mr. Vinodh Kanna B., AOR

Mr. K. V. Vijayakumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A. No.70815/2022 is the application to substitute the legal representatives of respondent No.1, the plaintiff in Civil Suit O.S. No.288/2004. The application is allowed. The legal representative - K. Muthuvelvizhi is ordered to be substituted as the legal representative of the plaintiff-respondent No.1. Amended memo of parties be filed during the course of the day.

The appeals and special leave petition are disposed of in terms of the signed order.

Pending application(s), if any, also stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU BALA GAMBHIR)
COURT MASTER

(Signed order is placed on the file)