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W.P.(MD) Nos.11386 & 12387 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	19.08.2026
Pronounced on	03.09.2026

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN**W.P.(MD) Nos.11386 & 12387 of 2026**W.P.(MD) No.11386 of 2026

Tamil Rajendiran @ R.Rajendiran

... Petitioner

Vs.

- 1.The Principal Secretary to
Government of Tamil Nadu,
Hindu Religious and Charitable
Endowments Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Road,
Chennai - 600 034.
- 3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department, Madurai.
- 4.The Joint Commissioner/ Executive Officer
of Arulmigu Meenakshi Sundareshwarar Temple,
Madurai.



W.P.(MD) Nos.11386 & 12387 of 2026

5.All India Adi Saiva Sivacharyargal Seva Sangam

Represented by its General Secretary,

B.S.R.Muthukumar,

No.41/19, South Usman Road,

T.Nagar, Chennai - 600 017.

6.V.Aranganathan

7.S.Senthil

8.C.Halashya Nathan

9.K.Velayutha Battar

... Respondents

[R3 and R4 were *suo motu* impleaded *vide* court's order dated 21.04.2026]

[R5 and R6 were impleaded *vide* courts' order dated 13.08.2026 in W.M.P.(MD) Nos.15176 and 17047 of 2026]

[R7 to R9 were impleaded *vide* court's order dated 19.08.2026 in W.M.P.(MD) No.17583 of 2026]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to get report from the experts committee constituted for this purpose and take effective steps to implement the same for the use of Tamil Spiritual Manthras and Tamil hymns along with Sanskrit in Yaga Saalai, Karuvarai and Gopura Vimaanam equally in line with the similar previous orders of this Court in all Temple Kudamullukkus including Madurai Sri Meenatchi Amman Temple Kudamulukku to be held on 17th day of September 2026 on the basis of the representation dated 28.01.2026 and help to glorify of devotional tamil devotees.



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For Petitioner : Mr.M.K.Suresh

For R1 to R3 : Mr.P.V.Balasubramanian,
Additional Advocate General
assisted by Mr.R.Parthiban
Special Government Pleader

For R4 : Mr.R.Murali

For R5 : Mr.P.Valliappan, Senior Counsel
for Mr.P.Thiyagarajan

For R6 : Mr.S.Vanchinathan

For R7 to R9 : Mr.V.R.Shanmuganathan

W.P.(MD) No.12387 of 2026

D.Sureshababu

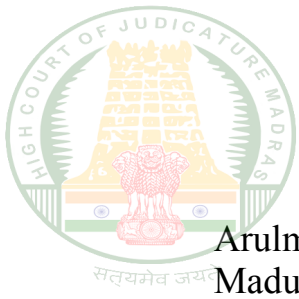
... Petitioner

Vs.

1.The Secretary to Government,
Tourism, Culture and Religious
Endowments Department,
Fort St.George, Secretariat, Chennai.

2.The Commissioner,
O/o.The Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai

3.The Joint Commissioner / Executive Officer,
O/o.The Joint Commissioner,



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Arulmigu Meenakshi Sundareswarar Tirukovil,
Madurai - 625 001.

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4.The Chairperson,
Board of Trustees,
Arulmigu Meenakshi Sundareswarar Tirukovil,
Madurai - 625 001.

5.All India Adi Saiva Sivacharyargal Seva Sangam,
Represented by its General Secretary,
B.S.R. Muthukumar,
No.41/19 South Usman Road,
T.Nagar, Chennai - 600017.

... Respondents

[R5 was impleaded *vide* court's order dated 13.08.2026
in W.M.P.(MD) No.15173 of 2026]

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
pertaining to the order in Na.Ka.No.6010/2025/E3 dated 11,03.2026 of
the third respondent and quash the same and direct the respondents to
allow the petitioner/Tamil Velvi Asiriyar to perform Velvi Kundam
Nigalvugal in the Kudamuzhaku Peruvizha of Arulmigu Meenakshi
Sundareswar Temple, Madurai scheduled on 17.09.2026.

For Petitioner : Mr.R.Amardeep

For R1 & R2 : Mr.P.V.Balasubramanian,
Additional Advocate General
assisted by Mr.R.Parthiban
Special Government Pleader

For R3 : Mr.R.Murali



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W.P.(MD) Nos.11386 & 12387 of 2026

For R5

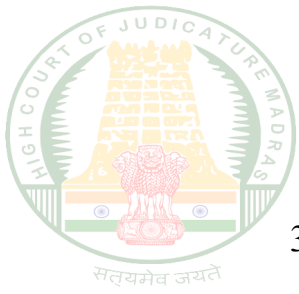
: Mr.P.Valliappan, Senior Counsel
for Mr.P.Thiyagarajan

COMMON ORDER

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

W.P.(MD) No. 11386 of 2026

2. In W.P.(MD) No.11386 of 2026, the petitioner [Tamil Rajendiran @ R.Rajendiran] has sought for a direction to the Principal Secretary and the Commissioner of the Hindu Religious and Charitable Endowments Department to obtain a report from the Expert Committee constituted for this purpose and to take effective steps to implement the same by permitting the use of Tamil spiritual mantras and Tamil hymns, along with Sanskrit, in the Yaga Saalai, Karuvarai and Gopura Vimaanam, on an equal footing, in line with the earlier orders passed by this Court in similar matters, in all Temple Kudamullukkus, including the Kudamullukku of Arulmigu Meenakshi Amman Temple, Madurai, scheduled to be held on 17.09.2026, based on the representation dated 28.01.2026 and thereby facilitate the glorification of devotional Tamil traditions.



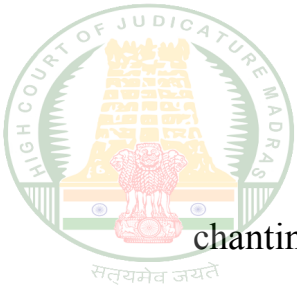
W.P.(MD) Nos.11386 & 12387 of 2026

3. After W.P.(MD) No.11386 of 2026 was filed, the Joint Commissioner of the H.R. & C.E. Department and the Joint Commissioner-cum-Executive Officer of Arulmigu Meenakshi Sundareswarar Temple were *suo motu* impleaded as the third and fourth respondents, *vide* order dated 21.04.2026.

4. The said All India Adi Saiva Sivacharyargal Seva Sangam and one V.Aranganatha were also later impleaded as the fifth and sixth respondents, *vide* order dated 13.08.2026, in W.M.P.(MD) Nos.15176 and 17047 of 2026 in W.P.(MD) No. 11386 of 2026.

W.P.(MD) No.12387 of 2026

5. In W.P.(MD) No.12387 of 2026, the petitioner [D.Sureshababu] has challenged the impugned order dated 11.03.2026 passed by the third respondent, namely, the Joint Commissioner/Executive Officer, Arulmigu Meenakshi Sundareswarar Tirukovil, rejecting the petitioner's request dated 17.11.2025 and 24.11.2025 to permit him, along with the members of his team, who are stated to be experts in performing Tamizh Vazhi Tirukudamuzhuku (Kumbabisegam), to perform Velvi Kunda Nigalvugal [i.e., raising sacred fire in the temple complex) by conducting Velvi and



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chanting Tamil Mandram during the Tirukudamuzhuku Vizha at

Arulmigu Mandirapedeshwari Mangalambigai Samedha Arulmigu

Adhi Kumbaeshwarar Swamy Tirukovil, Kumbakonam* and at

Arulmigu Meenakshi Sundaraswarar Temple, Madurai[#], before, after

and during the entire Kubabishekam Velvi Nigalvugal, in an equal

number of Velvi Kundams in the temples, at par with the Sanskrit Yaga

Kundams. The relevant portion of the impugned order dated 11.03.2026

passed by the third respondent, namely, the Joint Commissioner/Executive

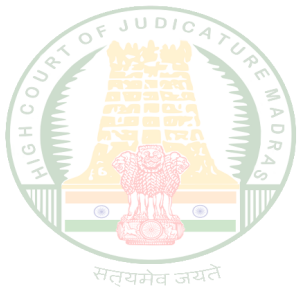
Officer, Arulmigu Meenakshi Sundareswarar Tirukovil reads as follows:-

“பார்வைக் குறிப்பு 1-ல் கண்டுள்ள மாண்பமை
சென்னை உயர்நீதிமன்ற மதுரைக்கிளை
நீதிப்பேராணை மனு W.P.(MD) No.35686 of 2025-ல்
16.12.2025-ந் தேதியிட்டு மாண்பமை நீதிமன்றம்
பிறப்பித்துள்ள உத்தரவின் அடிப்படையில்
நீதிப்பேராணை மனுதாரராகிய தாங்கள் 17.11.2025
மற்றும் 24.11.2025 தேதியிட்டு இத்திருக்கோயிலுக்கு
செய்துள்ள விண்ணப்பத்தின் மூலமான கோரிக்கை
தொடர்பாக முடிவு எடுக்கும் வகைக்கு தங்களது
கோரிக்கை திருக்கோயில் அறங்காவலர்கள் குழு
முன்பாக தீர்மானம் செய்யும் பொருட்டு, பரிசீலனைக்கு
வைக்கப்பட்டது. அதனப்படி பார்வைக் குறிப்பு 2-ல்
கண்டுள்ளவாறு, அருள்மிகு மீனாட்சி சுந்தரேசுவரர்
திருக்கோயில் அறங்காவலர் குழுவின் இயற்றியுள்ள
தீர்மானம் எண்.176 நாள்.27.02.2026-ல் பின்வருமாறு
தீர்மானமாகியுள்ளது.

“அருள்மிகு மீனாட்சி சுந்தரேசுவரர்
திருக்கோயில் பன்னெடுங் காலமாக ஆகம
விதிகளுக்கு உட்பட்டு நாள்தோறும் பூஜைகளும்
மற்றும் விழாக்களும் சீரிய முறையில் நடைபெற்று

* No arguments advanced for the said temple

Dispute currently relates to the said temple for which the date for Kudamuzhuku
(Kumbabisegam) has been fixed to be held on 17.09.2026



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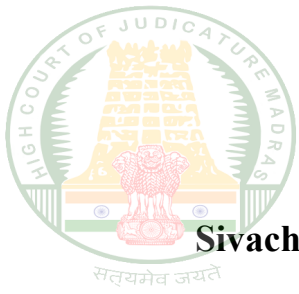
வருகின்றது. மேலும், திருக்கோயிலின் குடமுழுக்கு நிகழ்வானது ஆகம விதிகளுக்கு உட்பட்டும் கோயிலின் பாரம்பரிய முறையை பின்பற்றியும், நடைபெற்று வருகின்றது. மேலும் திருக்கோயிலில் முறையான தகுதியுடைய ஸ்தானிகப்பட்டர்களும் மற்றும் தமிழ் திருமுறை ஓதுவார்களும் உள்ளனர். குடமுழுக்கு விழாவின் பொழுது, மேற்படி தகுதி வாய்ந்த நபர்களால் முறையாக கடந்த காலத்தில் குடமுழுக்கும், வேள்விகளும் செய்யப்பட்டும் மற்றும் எதிர்காலத்திலும் குடமுழுக்கும் மற்றும் வேள்விகளும் செய்யப்படும் என்பதால் மனுதாரர் சுரேஷ்பாபுவின் கோரிக்கை ஏற்பதற்கு முகாந்திரம் இல்லை என முடிவு செய்ய தீர்மானிக்கப்படுகிறது”.

எனவே, அருள்மிகு மீனாட்சி சுந்தரேசுவரர் திருக்கோயில் அறங்காவலர் குழு தீர்மானத்தின் அடிப்படையில் தங்களது 17.11.2025 மற்றும் 24.11.2025 ஆகிய தேதிகளிட்ட விண்ணப்ப பொருண்மை ஏற்கத்தக்கதாக இல்லை என்ற விபரம் இதன் மூலம் தங்களுக்கு தெரிவித்துக் கொள்ளப்படுகிறது.”

6. The impugned order has been passed based on Resolution No. 176 dated 27.02.2026 of the Board of Trustees, the contents of which have been extracted above.

7. The said Resolution records that the existing customary practices of the temple are being followed and that qualified Stanikabattars [ஸ்தானிகப்பட்டர்கள்] and Tamil Thirumurai Odhuvars [தமிழ் திருமுறை ஓதுவார்கள்] are available for chanting the Panniru Thirumuraigal [பன்னிரு திருமுறைகள்] in the temple for the conduct of the Kudamuzhuku (Kumbabishekam) in future, as has been done previously.

8. After the said Writ Petition was filed, **All India Adi Saiva**

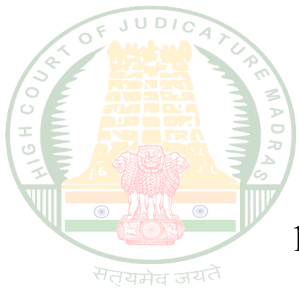


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Sivacharyargal Seva Sangam, represented by its General Secretary, imploded itself as the fifth respondent in Writ Petition in **W.P. (MD) No. 12387 of 2026** *vide* order dated **13.08.2026** in **W.M.P.(MD) No.15173 of 2026**. Mr.P.Valliappan, learned Senior Counsel, duly instructed by Mr.P.Thiyagarajan, learned counsel, appeared for the said Sangam in these Writ Petitions.

9. One **S.Senthil, C.Halashya Nathan and K.Velayutha Battar** were also later imploded as the seventh, eighth and ninth respondents *vide* order dated **19.08.2026** in **W.M.P.(MD) No.17583 of 2026** in **W.P. (MD) No. 12387 of 2026**.

10. The case of the **D.Sureshababu**, the petitioner in **W.P.(MD) No.12387 of 2026**, is that he is a Saivite involved in religious and social activities for the benefit of devotees of Saivism throughout Tamil Nadu and that he is carrying out religious and charitable activities through a registered Trust, namely, **Sandigeswarar Seva Trust**, which is conducting Tirukudamuzhaku (Kumbabisegam) for the Temples in Tamil Language.



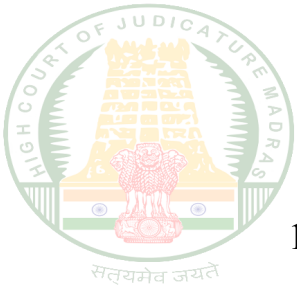
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11. It is further the case of the petitioner that he underwent training as a **Manavan (Student)** under **Thirukailayaparambarai Meikandar Perur Aadeenam Sirvalarseer Santhalinga Ramasamy Adikalar** in **Thiruneriya Deiva Tamil Valipattu Aruliyal** and was also conferred with **Asiriyar Tirumuzhaku (Aacharya Abisekam)** by the 25th Gurumatha Sanidhanam of Tirukailayaparambari Perur Aadeenam.

12. It is submitted that in the presence of various Aadeenams, the petitioner has been performing **Velvi Kunda Valipadu Poojai**, raising of sacred fire [a part of the Kudamuzhuku/Kumbabisegam ceremony] throughout Tamil Nadu for more than two decades.

13. The grievance of the petitioner [**D.Sureshbabu**] is that the recitation of Tamil hymns in the temple should be given equal importance during the **Velvi Kundam Vazhipadu Poojai** (i.e., the raising of the sacred fire) as part of the **Kudamuzhuku** (Kumbabishekam) and should also form part of the aforesaid event and since the Petitioner is well versed with it, he should be allowed to recite it during the said ritual.



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14. It is the case of the petitioner that merely permitting the Othuvars to sing at one place does not accord the Tamil language equal importance on a par with Sanskrit and that meaningful and equal importance can be accorded to the Tamil language during the **Kudamuzhuku (Kumbabisegam)** ceremonies in temples under the control of the H.R. & C.E. Department only by permitting **Tamil Velvi Asiriyargal**, such as the petitioner, to perform **Velvi/Yagam** and **other Nigalvugal** in Tamil during such ceremonies.

15. It is further the case of the petitioner that the temple has a long Tamil history and was built by a **Tamil Pandian King** and associated with the Tamil Sangam and that it is unfortunate that the petitioner is not being permitted to perform **Velvi Kunda Nigalvugal** by conducting **Velvi** and chanting Tamil Mandram during the **Tirukudamuzhuku (Kumbabisegam) Vizha**.

16. The further case of the petitioner is that the entire ceremony/nigalvugal relating to the **Tirukudamuzhuku (Kumbabisegam)** cannot be performed by the Staniga Battars alone and Tamil Thirumurai Othuvars of the Temple, along with the Battars and



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other Brahmins who are proposed to be engaged by the Temple, as more than 100 persons would be required to perform the **Velvi Kunda Nigalvugal** in respect of the Veli Kundams alone.

17. The petitioner has produced a copy of the certificate issued by the 25th Gurumatha Sanidhanam of Tirukailayaparambari Perur Aadeenam in respect of **Asiriyar Tirumuzhaku (Aacharya Abisekam)**.

18. The case of the petitioner in **W.P.(MD) No.11386 of 2026** [Tamil Rajendiran @ R.Rajendiran] is that he is a Tamil language enthusiast and has filed several Writ Petitions seeking the use of the Tamil language on an equal footing with Sanskrit in various temples. It is further his case that thousands of Temple Kudamuzhukkus (Kumbabisegams) are performed using Tamil devotional mantras and Tamil songs by prominent Mathadhipathis, such as Perur Aadeenam and Kundrakkudi Adigalar.

19. It is further the case of the petitioner that the H.R. & C.E. Department has to take a transparent decision at the earliest and that Tamil saints/Othuvans/Velviyalars have to be identified and invited to chant Tamil mantras during the Tirukudamuzhukkus (Kumbabisegams)



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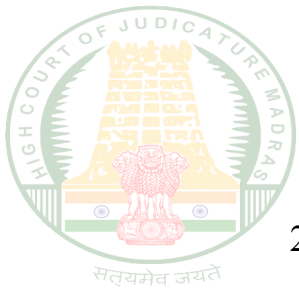
conducted in all temples.

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20. It is also the case of the petitioner that an Expert Committee has been constituted to make suggestions regarding the details of the Tamil mantras to be used in various types of temples and that the members of the Expert Committee are ready to submit their recommendations if called upon to do so by the respondents.

21. The Joint Commissioner/Executive Officer of the Arulmigu Meenakshi Sundareswarar Thirukoil, Madurai [The third respondent in **W.P.(MD) No.12387 of 2026** and the fourth respondent in W.P.(MD) No. 11386 of 2026] filed the common counter-affidavit.

22. As far as **W.P.(MD) No.12387 of 2026** is concerned, the defence of the respondent Joint Commissioner/Executive Officer of the Arulmigu Meenakshi Sundareswarar Thirukoil, Madurai is that the temple follows the Aagamas in performing daily poojas and festivals, including the Kudamuzhuku and that the only Sthanika Battars of the temple perform daily poojas to the main deity and other deities of the temple.

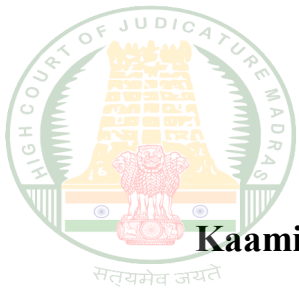


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23. It is further the defence of the Joint Commissioner/Executive Officer of the Arulmigu Meenakshi Sundareswarar Thirukoil, Madurai that during the 2009 Kudamuzhuku (Kumbabisegam), the temple administration invited Othuvars from various other temples under the control of the H.R. & C.E. Department, along with the Tamil Othuvars of the subject temple, to chant Tamil slokas and hymns during the Kudamuzhuku (Kumbabisegam) ceremonies, by allotting a separate place adjacent to the Yagasalai for the said purpose.

24. The further defence is that the petitioner cannot, as a matter of right, claim permission to perform **Velvi Kundam Nigalvugal** in Tamil at the third respondent temple and that the petitioner has no legal right to compel the temple administration to permit him to conduct such Nigalvugal during the Temple Kudamuzhuku (Kumbabisegam) and that the petitioner is attempting to create a new right in his favour, which cannot be entertained in a proceeding under Article 226 of the Constitution of India.

25. The further defence is that the temple follows the **Kaarana and**



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Kaamiya Aagamas in its temple rituals. The temple rituals and **Kudamuzhuku (Kumbabisegam)** are to be performed only in accordance with the **Aagamas** followed by the temple and the petitioner's request cannot be entertained contrary to the practice followed in the temple.

26. It is submitted that Section 28 of the H.R. & C.E. Act, 1959, mandates that every religious institution shall administer its affairs and apply its funds and properties in accordance with the terms of the Trust, the usage of the institution and the lawful directions which a competent authority may issue in respect thereof. The specific expression “**the usage of the institution**” was considered by the Constitution Bench of the Hon'ble Supreme Court in *Seshammal v. State of Tamil Nadu*, (1972) 2 SCC 11 and therefore, the longstanding usage followed in the temple cannot be altered at the instance of the petitioner.

27. As far as W.P.(MD) No.11386 of 2026 is concerned, the defence of the respondent Joint Commissioner/Executive Officer of Arulmigu Meenakshi Sundareswarar Thirukoil, Madurai, is that each temple has its own customary practices for performing poojas and



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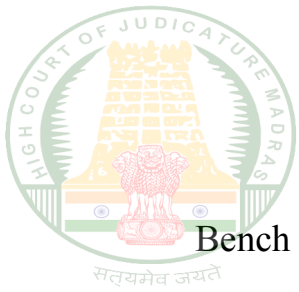
conducting festivals and that the temple administration is not opposed to

Tamil hymns and that due importance is being given to Tamil hymns by engaging Tamil Othuvans, as has been in practice from the past.

28. The further defence is that during the Kudamuzhuku (Kumbabisegam) ceremonies held in the temple in the past years, namely, 1923, 1954, 1963, 1974, 1995 and 2009, the Sivachariyars recited Veda Parayanam and performed **12 Kala Yagasala Poojas** and that during the ten days **Kudamuzhuku** (Maha Kumbabisegam) period and thus the **Tamil Othuvans** recite the **Panniru Thirumurai** comprising 17,000 songs, **Abirami Anthathi**, **Chokalinga Venba**, **Sivabogasaram** and **Meenakshipillai Tamil**, for which separate arrangements will be made at the **Meenakshi Thirukalyana Mandapam** with proper facilities.

29. Further, during the **Yagasala Pooja**, the **Othuvans** will recite the **Panniru Thirumuraigal** at a separate place in the **Yagasala**. It is submitted that the temple administration will follow the longstanding practice of the past 100 years during the forthcoming Kudamuzhuku (Maha Kumbabisegam) as well.

30. The issue came up for consideration before the Constitution



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Bench of the Hon'ble Supreme Court in **Seshammal v. State of Tamil**

Nadu, (1972) 2 SCC 11, in the context of Article 16(5) read with Article 13(1) and (3) of the Constitution of India.

31. The learned Senior Counsel Mr.Valliappan appearing for the **All India Adi Saiva Sivacharyargal Seva Sangam** submitted that the issue was not merely with regard to the use of a particular language during the **Kumbhabhishekam**, but concerned the **Agamic Rules** governing the rituals of an ancient temple, placing the entire issue in the context of the constitutional protection afforded to religious practices.

32. The learned Senior Counsel further submitted that before any direction is issued regarding the manner in which the **Kudamuzhuku (Kumbabishekam)** is to be conducted, the Agama governing Arulmigu Meenakshi Sundareswarar Temple, Madurai, has to be first identified and that the Court could not be called upon to prescribe or modify a religious ritual without first establishing the existing Agamic practice and determining whether the proposed change was permissible under the applicable Agama.

33. The learned Senior Counsel further submitted that the



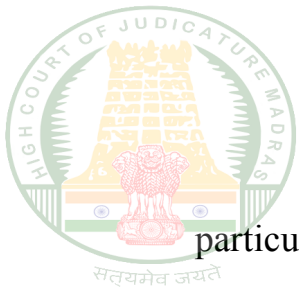
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distinction between the administrative management of a temple and the religious rituals performed therein has to be maintained and that while the Government and the H.R. & C.E. Department can regulate the administration of the temple, they cannot themselves rewrite the religious procedures followed in an Agamic temple.

34. The learned Senior Counsel also relied upon the decision of the Hon'ble Supreme Court in *Adi Saiva Sivachariyargal Nala Sangam and others v. Government of Tamil Nadu and another*, (2016) 2 SCC 725 which followed the decision of the Hon'ble Supreme Court in *Seshammal*, referred to *supra*.

35. He also drew the attention of this Court to a decision of the Hon'ble First Bench of this Court in *All India Adi Saiva Sivacharyargal Seva Sangam*, referred to *supra*, whereby a direction was issued to the State to constitute a Committee under the Chairmanship of the **Hon'ble Mr.M.Chockalingam** (former Judge of this Court). I shall refer to the order in ensuing paragraphs. He further submitted that in the said order, the First Bench of this Court emphasised that the earlier decisions recognise the importance of identifying the Agama applicable to a



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particular temple.

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36. The learned counsel for the newly impleaded seventh to ninth respondents in W.P.(MD) No.11386 of 2026 reiterated the submissions made by the learned Additional Advocate General as well as those made by the learned Senior Counsel appearing for the Sangam and submitted that any deviation from the customary practices of the temple is prohibited under the Scheme of Constitution and therefore, the prayer sought for by the petitioners in these Writ Petitions is liable to be rejected.

37. Before proceeding further, it will be useful to refer to the History of the Meenakshi Sundareswarar Temple and to get familiarize with the expression Kudamuzhakku/Kumbahishekam.

38. I have considered the arguments advanced by the learned counsels for the petitioner, the learned Senior Counsel for the All India Adi Saiva Sivacharyargal Seva Sangam, the learned Additional Advocate General for the H.R. & C.E. Department including the Joint Commissioner-cum- Executive Officer of Arulmigu Meenakshi Sundareswarar Temple, Madurai and the learned counsels for the private



respondents.

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**BRIEF HISTORY OF MEENAKSHI SUNDARESHWARAR
TEMPLE, MADURAI**

39. In an independent research by **Dr.D.Uma**, (Head & Assistant Professor, Department of History) published in History Research Journal, Volume 5 – Issue 6 – November – December 2019 (ISSN: 0976 - 5425) under the title “**Contributions of the Pandyas to the Meenakshi Sundareswarar Temple Madurai**” where it has been stated as follows:-

“Early Period

While the temple originated in times to which no date can be assigned, the greater part of the temple with the exception of the innermost shrines of Meenakshi and Sundareswarar is believed to have been built between the twelfth and eighteenth centuries.⁶ The massive outer walls of the temple form a rectangle, covering an area of about 14 acres. There is little doubt that the temple stands on the same site as it did in the earliest Pandya times.⁷ It is said that it took 120 years to complete the temple. The temple is carved with plaster figures alone number over 33 million. The total cost of construction is about 12 million rupees.⁸

The earliest literary reference to the Meenakshi temple occurs in the Maduraikkanchi ⁹, a sangam work written by MankudiMarutanar, dated to 1-2 century A.D. In the 7th century A.D ThiruGnanasambandar, who visited the Madurai temple, sang many hymns in praise of Lord Shiva as AlavaiIraivan and ThiruAlavaiChokkanand His consort as Ankayarkanniand the temple wall was referred as ‘KapaliMadil’. The present inner walls of the Lord’s



Shrine bear this name today. Gnanasambar visited the temple during the time of MaravarmanArikesari (640 – 670 AD).¹⁰ The temple in the 7th Century AD was a single celled santum with shrine of AlavaiIraivan and a compound wall. In the early times the entire temple must have been confined to the area between these walls. Kumara Kurubarar also mentions the God as AlavaiAnnal and the Goddess as AngayarKanniAmmal.¹¹

ParipadalThirattu, another literary work compares the Madurai city to a lotus flower. It depicts the temple as the central part of a lotus flower (nucleus), its petals as streets, pollens as the citizens.¹² Kalladam, a 9th Century AD literature also refers to the temple as well as the thirty Leelas(divine sports) of Lord Shiva.¹³ This work is said to have been a translation of a Sanskrit work namely 'SarasaMachchaya'.¹⁴

Twelfth Century

Thirupanimalai, ThirupaniVivaram and Srithalam give a detailed account of the kings and devotees who carried out the works in different parts of the temple in different periods. The second Pandyan kings ruled Madurai from 1190 to 1313 AD.¹⁵ Pandya king JatavarmanKulasekara¹⁶ (1190-1216 AD) built a great temple for Lord Shiva, a Suyambulingam, once worshipped by Indra, king of God.¹⁷ The earliest buildings in the temple which exist to this date, including a three storied gopura at the entrance of Lord Sundareswarar Shrine and the central portion of the Goddess Meenakshi Shrine were constructed by KulasekaraPandya. He is also said to have built temples to guardian deities to the North, South, East and West of the city. These were the Ayyanarkoil (temple) in the East, VinayagarKoil in the South, KariamalperumalKoil in the West and Kali Koil in the North. He also erected the parivara deities like Surya, the shrine of Natarajar and Sandeswara and a Mahamandapam. KulasekaraPandya was also a poet and he composed a poem on Meenakshi named AmbikaiMalai.¹⁸ Towards the later part of his reign (1205 A. D.)



KulasekharaPandya was defeated by Kulothunga III¹⁹ who then performed Virabhishekamand Vijayabhishekam in Madurai city²⁰

Thirteenth Century

The next builder to leave an indelible impression on the Madurai temple was the great monarch MaravarmanSundaraPandyan²¹. He ascended the throne in 1216 AD.²² He defeated Kulotunga III, the Cola ruler in 1219 AD.²³ In his 15th year of rule he constructed a gopurain the name of Avanivendaraman²⁴ and that gopura is named as SundaraPandyaThirukkopuram.²⁵ This was the earliest of the gopurasconstructed in the Madurai temple.²⁶ The gopura was started by MaravarmanSundaraPandyan I and completed by JatavarmanSundaraPandyan (1251-1268AD). In the temple MaravarmanSundaraPandyan II (1238-51AD) enlarged the Swami Koil(god's shrine) by adding the outer corridor around which he built the wall now known as the 'SundaraMaranMathil'. He built the other walls of the Amman temple and built the SannadhiMandapam known as SundaraPandyanMandapam. He also built a seven tiered gopura (Chitragopuram), a mandapafor AtiraveesiAaduvar²⁷ and completely renovated the temple. Chitragopuram is the only seven tiered gopura in the temple. It is also known as 'MuttalakkumVayil'. A three tired gopura in the Amman Shrine, (on the way to Amman shrine from KilikuttuMandapam) was constructed by VembaturarAnandaThandavaNambi in 1227AD. So it is also called as 'VembathurarGopuram'.²⁸ He was a descendant of PerumbatraPuliyurNambi who wrote the ThiruvallavayudayarThiruvilayadalPuranam. The work mentioned above was released in the court of Varathunga Rama Pandyan in Karivalamvanthanallur. The king gave the author many gifts including the area in which he lived which was known as Selli Nadu. They were thus a wealthy family. The building of the VembathurarGopuram is ascribed by some to AnandaThandavaNambi, and by others to his wife.



Fourteenth Century

During the fourteenth Century the MelaiGopuram²⁹ (Western Tower) in AdiStreet was constructed by ParakramaPandya (1323AD).³⁰ The five tiered eastern tower at Lord Sundareswarar Shrine was built by Vasuvappan in 1372AD.³¹ The five tiered western tower of the Shrine is said to have been built by one Mallappan in 1374 AD.³² The old temple was destroyed in 1311AD during the Malik Kafur's invasion. The outer wall with 14 towers was pulled down and the temple was closed for forty eight years.³³ Only the two shrines of Lord Sundareswarar and Goddess Meenakshi survived, but the buildings which immediately surrounded them were collapsed along with arts and sculptures.³⁴ After the fall of Madurai Sultanate in 1365 AD to Kumara KampanaUdayar, the Vijayanagar King, most parts of TamilNadu came under Kumara Kampana in 1366 AD.³⁵ Then he came with a large army to Madurai in 1372 AD and defeated Ala-ud-din Sikkandar Shah and captured Madurai and annexed it as a part of Vijayanagar Empire. His aim was not only to annex the Southern parts with the empire but also to renovate the temples at Srirangam, Chidambaram, Kannanur and Madurai which were destroyed by the Muslim invasion. He made arrangements for the regular pujas in these temple³⁶ and people were allowed to worship. In view of the fact that the city was under Muslim rule until 1373, when Kumara kampana drove away the invaders, it is difficult to conceive of this having been built on the date assigned. However it is generally agreed that architecturally it belongs to this period. It is therefore quite possible that it was built soon after Kampana's victory over the Muslims.³⁷ According to ThirupanimalaiKampana rebuilt the compound wall, brought back the idols, which were hidden in Nanjil Nadu during the Muslim invasion and donated jewels. He also gave some villages for performing the daily pujas in the temple. 'Mathura Vijayam' written by his wife Gangadevi mentions about the invasion of his husband to Madurai.



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Reference

6. Robert Sewel, *List of Inscriptions and Sketch of the dynasties of Southern India, Archaeological Survey of Southern India, Vol II, Madras, 1971, p.19.*
7. P.K.Nambiar and K.C.NarayanaKurup, *Census of India 1961, Vol IX, Temples of Madras State, Madras, 1969, p. 131.*
8. *Ibid.*
9. *Maduraikkanchi, ll. 331-669*
10. T.V.SataShivaPandarathar, *PantiyarVaralaru (Tamil), South Indian SaivaSiddhanta Works Publishing Society, Chennai, 1966, p.38.*
11. P.Arangasami, AdhiKumaragurubarar (KurungKappiam) (Tamil), Lalkudi, 2003, p.35.
12. P.V.Somasundaranar, ParipadalThirattu (Tamil), Thirunelveli, ThenninthiyaSaivasidhanthaNoorpathipukazhakam Ltd., Chennai, 1975, p.407.
13. T. V. SadasivaPandarathar, Kalladam, Senthamil, Vol IV, Madurai Tamil Sangam, Madurai, 1916, p.113.
14. C.Santhalingam, *A peep into the Meenakshi Temple, ArulmiguMeenakshiSundareswararThirukkoilKumbabis hekamSovenier, Madurai, 2009, p.364.*
15. Mrs.T.Thiyagarajan, PandiyarVaralaru(Tamil), Madurai Tamil SangamPonvizha Malar, Madurai, 1956, p.348.
16. ARE 275 of 1941-42.
17. W.Francis, *Madura District Gazetteer, Cosmo Publications, New Delhi, 2000, p.35.*
18. S. R. SuppiramaniaKavirayar (Ed), *AmbikaiMalai by KulasekaraPandya (Tamil), Madurai Tamil Sangam, Madurai, 1934, p. 13.*
19. IPS 163, 166
20. IPS 169, 176
21. ARE 60, 61 of 1905.
22. *EpigraphiaIndica, Vol. VIII, p.24.*
23. SII, Vol XXIII. No. 124
24. ARE 285 of 1941-42



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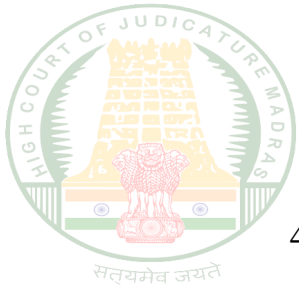


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25. ARE 286 of 1941-42
26. S.KrihnasamyAyyangar, *South India and Her Mohammadan Invaders*, Asian Educational Services, New Delhi, 1921, p.99.
27. ARE 187 of 1941-42
28. V.Kandasami, *Madurai VaralarumPanpadum (Tamil)*, Indira Pathipagam, Madurai, 1981, p.122.
29. *Thiruppanimalai*, V. 12.
30. *Thiruppanivivaram*, No.6
31. *Thiruppanimalai*, V. 14.
32. *Thiruppanivivaram*, No. 8.
33. T.R.Sareen and S.R.Bakshi (Ed), *Temples of India*, Anmol Publications, New Delhi, 1993, p.159.
34. S.Clement, *Main Currents of Vijayanagar History*, Madurai, 1974, p.28.
35. ARE 243 of 1919 and ARE of 693 of 1904.
36. S.KrishnaswamiAiyangar (Ed) Robert Sewell's, *Historical Inscriptions of South India*, Madras 1982, p. 198.ARE 18 of 1899 & 55 of 1892.
37. N.R.Subramaniya Sharma, *A Short History of the Pandyan Kingdom under Nayak Rulers*, Madurai, PariNilayam, Madras, 1965, p.217.

40. The above passages has been extracted only to give a bird's eye view of the history of the subject temple namely Meenakshi Sundareshwarar temple. The said paper copiously makes cross reference to various literatures. The above passages have been merely extracted to give a bird's eye view and is not intended to authenticate the content thereof. They have been therefore extracted with the above disclaimer.

A NOTE ON KUDAMUZHUKKU / KUMBABISHEKAM:-

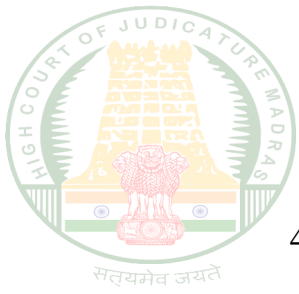


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41. The expressions “Kudamuzhuku”/“Kumbabishekam” are terms used to denote the consecration of a temple, the former i.e Kudamuzhuku, being a Tamil equivalent of Sanskrit term Kumbabishekam. The Kudamuzhuku (Kumbabishekam) is ordinarily conducted once in **Twelve Years** after the initial consecration of the temple.

42. The last Kudamuzhuku (Kumbabishekam) of Arulmigu Meenakshi Sundareswarar Tirukovil is said to have been held in **2009**. On account of various factors including a fire in **Veera Vasantharayar Temple Mandpam** in **2018**, it could not be held in 2021.

43. **Kudamuzhuku (Kumbabishekam)** is now proposed to be held on 17.09.2026. Necessary steps have been taken in this regard by both the H.R. & C.E. Department and the Board of Trustees of the Temple, along with the **third respondent**, the Executive Officer. Renovation work of **Veera Vasantharayar Temple Mandpam** was completed and was inaugurated on **30.08.2026**. The rituals connected with Kudamuzhuku (Kumbabishekam) is to commence on 06.09.2026 with Vigneshwara poojai.



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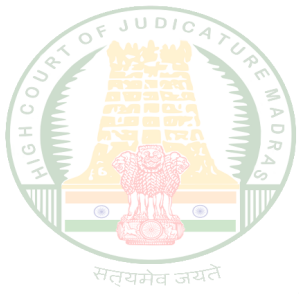
44. Same author in an other article also explains the relevance of consecration of the temple i.e., Kudamuzhuku (Kumbabishekam). Again the passages extracted below are not to be taken as an authenticate source of information unless same is subject to authentication in an appropriate proceeding.

45. The below mentioned passages are to explains the reasons for history of **Kudamuzhuku (Kumbabishekam)** that is to be performed on 17.09.2026.

46. The same author under the tile “**Renovation Rituals of Meenakshi Amman Temple, Madurai – A Historical Study**” has published an article in the journal of **Modern Tamizh Research** (A Quaterly International Multilateral Thamizh Journal), Volume 9 – N0.2, April- June 2021 (ISSN 2321-984X). Excerpts of the said article reads as under:-

“History or Kumbabishekams in the Temple

Kumbabishekams were performed after an elaborate renovation works in the Meenakshi Amman temple. As mentioned in Srithala Puttakam (book) a Kumbabishekam was performed by Kumara Kambanna Udayar only for the Meenakshi Shrine in 1381 AD. The idol Of Meenakshi was



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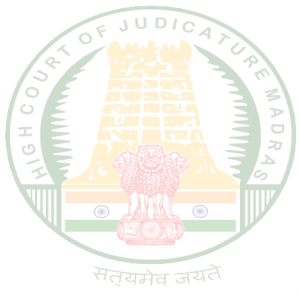
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taken and hidden in the Vimana and the entrance of God Shrine was closed during the time of Muhammeden invasion. Kumara Kambanna renovated the Meenakshi Shrine only, as there was no damage for the Sundareswarar Shrine. During his time it seems to be there were eight gopuras including two vimanas in the temple.

In **1628 AD** Thirumalai Nayak carried on the renovation work. The damaged portions of the Meenakshi temple were removed and constructed newly with lot of expenditure. They used the well ground jaggery, gallnut, gooseberry and blackgram. They were grounded two times, soaked in the water and mixed with the lime stone paste. These details were mentioned in Thiruppanimalai.¹² He repaired the whole temple by this method. But there was no mention about the performance Of Kumbabishekam by him. He might have postponed it for the completion of Rayagopuram which remained incomplete till this time.

Srithala Puttakam states that an Ashtabandana Kumbabisekam held for Sundareswara Shrine on **1708 AD** under Muthumalai Mudaliyar during the reign of Vijayaranga Chokkanatha Nayak. After the period Of Nayak rulers the condition Of the temple was in a very bad state. The east gopura was in a damaged condition and the traffic through the East Cithirai Street was blocked for reasons of security. The entire ceiling in the temple was leaking and a number of mandapas became the living place for birds, scorpions, snakes and other Wild insects. The renovation work was started on January 23, 1872 by the members Of the Trust Board Of the Temple.

Kutti Ayyah and his father Devakottai Mutturamalinga Chettiar collected considerable amount Of money from the philonthrophists all over the country upto Rameswaram. After obtaining the permission Of the trustees, the renovation programme was first initiated with the rebuilding of the Kampathadi mandapam. The twenty five sculptural pil lars and Other pillars were touched up, providing beams and podigai wherever necessary. These pillars were made Of huge block of stones which were obtained from Andar Kottaram. Nagappa Chettiyar,



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*Venkatachalam Chettiyar, Annamalai Chettiyar and Subramanian Chettiyar the four sons Of Ramanathan Chettiyar from Amaravati Pudhur, in the present Shivagangai District renovated the temple. They donated milk and flowers for the pujas. In 1863 the administration went under five member committee headed by Nagappa Chettiyar. He and his brothers renovated the temple, donated jewels and vahanas(vehicles) for the temple out of their personal income of Rs.25 lakhs. Then by their effort a kumbabishekam was performed on **06.02.1878**.¹³ Nattukottai Nagarathar donated two golden pots weighing 179kg for Abhisekam of God and Goddess.*

*On **01.07.1923** a Kumbabishekam was performed by Muthu Karu V. Alagappa Chettiar, the first executive Officer Of the temple.¹⁴ The head Of the Thiruvaduthurai Matt, Sri Abbalavana Desigar was the president. There is no record of any of the gopuras having been renovated at that time.*

*On **28.06.1963** a Maha Kumbabishekam Svas Ikrformed under the leadership Of P.T.Rajan, Bar- at-Law.¹⁵ His Holiness Jagadguru Sankarachariar of Kamakoti Peetam graced the occasion. The seeds of the 1960-63 Thiruppani were sown in Thiruvadavoor, the birth place of the Saint Manikkavasagar.The temple at that place had been renovated by a committee Of which Sir P.T.Rajan was the president. Seeing the transformation of the premises after the renovation, many of the members who had assembled for the Kumbabishekam thought that the Great Temple at Madurai too should be renovated and that the person most fit to be entrusted With such a herculean task, was Sir, P.T.Rajan himself.*

The proposal for renovating the great temple at Madurai was first made during a meeting ofthe trustees of the temple on 28.10.1959. The work was inaugurated On 17.4.1960, the estimated cost being Rs.20 Lakhs.

The tar-felt laid during the Kumbhabishekam in 1963 was worn out badly due to the exposure to wind and weather. The ceiling in many places was leaking. The Board of Trustees at their meeting on Feb 12, 1974 passed



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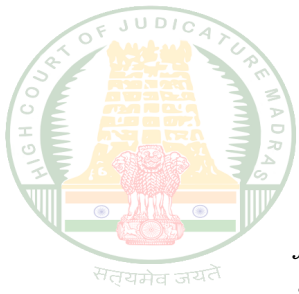
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a resolution to perform Kumbhabhishekam. The entire work was technically controlled and executed under the guidance of Mr. A. Krishnamoorthy, B.E., superintending Engineer, H.R & CE (Achnin.) Dept, Madras.¹⁶ The next Kumbhabhishekam was performed in 1995AD.¹⁷

The recent renovation work was started from 24.10.2007 and the Ashtabandana and Swarnabandana Kumbhabhishekam was performed on 08.04.2009 by the efforts Of Karumuthu T.Kannan. the Chairman and the member of Board Of Trustees, K. Rajanayakam, the Joint Commissioner and the devotees and the donors. The following were Some of the works completed by the Renovation Committee:

The Vimana of Meenakshi Shrine was covered by gold completely from Kalasam to Prastara Kodungai same like that Of the Lord Sundareswarar Shrine Vimana. 1150 Kg copper and 29 kg of gold were used to cover the Kalasam, Sikaram, Greevam, Thalam, prastara Kodungai (previously it was covered from kalasam to Padmam or Sikaram). Velliambalam or Rajatha Sabha of Lord Nataraja was covered with silver completely. 1401 kg Of silver was used for it. Karumuthu T. Kannan, the Chairman Of the Trust board committee, donated 100kg of silver and an amount Of Rs .5 lakhs for this work.¹⁸ The KO- ratham (Cow-car) which was not in use for a long time was repaired. The large doors in front of the Shrine of Mukkurini Vinayagar were renovated with same sculptures of the damaged doors. The Stone pillars Of various mandapas were cleaned and they were made bright. The damaged ceilings were renovated. Granite Stones were paved on the walls of Mutalipillai mandapam. The pole in the centre of Golden Lotus tank was fixed an electric light and the word "ShivaShiva" were written at the top Of the walls.

The 150 years Old flag staff in the Kambathadi mandapam was removed as it was damaged. Instead of that, 56 feet new flag staff was installed (pradhishtai). It is made of teak wood and covered by copper plate. On the copper plate. a golden rack has been fixed using 1kg of gold. After



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finishing this work the kumbabhishekam was performed on July 2013 for the new golden flag staff.¹⁹

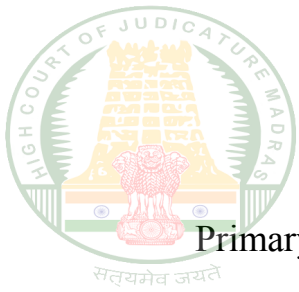
Shivachariyas poured holy water on the top of the flag staff and performed abishekam and puja for the bottom of the flag staff. Then it was brought in a procession around the second prahara of the Lord Sundareswarar ShrineShrine by the Shivachriyas. It is believed that if we pray the nag staff it is equal to pray all the Gods in the temple. The Objective behind that is the complete surrender to the God by praying the flag staff.”

Reference:-

- 12. Thiruppanimalai, V. 82, p. 24*
- 13.R. Chokkalingarm Opcit,p. 202*
- 14.S. Kumaresa Moorthy,Opcit, p. 189*
- 15.K. Palaniappan, The Great Temple ofMadurai, Arulmigu Meenakshi Sundareswarar Thirukkoil, Madurai, 2012, p. 118*
- 16.V.V. Renovation: Civil work, Kumbhabishakam Souvenir, Meenakshi Sundareswarar Thiru Kovil Madurai, 1974 , p.360*
- 17. S. Kumaresamoorthy, Opcit, p. 196*
- 18.K. Rajanayagam, Arulmigu Meenakshi Sundreswarar Thirukkoil Thirukkuda Nanneerattu Peruvizha 2009, Kurnbabbhishekam Souvenir, Madurai, 2009, p. Vi*
- 19.Dinamalar, Madurai, I I. 7.2013. p.3*

SOURCES OF ANCIENT HINDU LAW :-

47. Available Hindu literature broadly divides sources of Hindu Law into two main categories namely **Shruthi** and **Smriti**. Shruthi is a Sanskrit word which translates to “what is heard”. It is considered to be a



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Primary text containing the four vedas namely **Rig, Sama, Yajur, Atharva** and other subdivisions like Bhramana (commentaries), Upanishads (philosophies), Samhita (description of mantras) and Aranyakas.

48. The second category Smirti translates to “memory” which means “that which is remembered”. It is considered as a secondary text consisting of:

- (a) **Itihasas** (Ramayana, Mahabharata and Bhagavad-Gita),
- (b) **Agamas** (Saiva Agama, Vaishanva Agama and Shaktha Agama),
- (c) **Dharma Sastras** (Manu Smriti, Yajanavalkya, Parasara),
- (d) **Puranas**,
- (e) **Upavedas** (Ayurveda, Gandharvaveda, Dhanurveda and Arthashastra, and
- (f) **Vedangas**.

49. The applicability of these in the modern time presently in the light of the Constitution of India is a highly contentituous and debatable discussions on which the courts will have to give its ruling in an appropriate proceedings.

50. Paper presented by Dr.D.Uma Head and Assistant Professor of



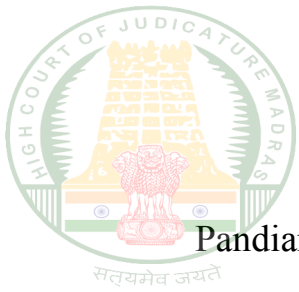
W.P.(MD) Nos.11386 & 12387 of 2026

History, Mannar Thirumalai Naicker College, Pasumalai, Madurai-4, as

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far as the famed Arulmigu Meenakshi Sundareswarar Tirukovil, Madurai, is concerned, prior to its consecration, a Linga of Lord Shiva was being worshipped, which, over a period of time, developed into the shrine of Sundareswarar during the reign of the Pandya King Jatavarman Kulasekara Pandian, between 1190 and 1216 Anno Domini (A.D.). Dr. D. Uma further states that the said Pandya King built a temple for Lord Shiva, In the said paper, it has been stated that the said King built temples dedicated to guardian deities to the north, south, east and west of the city, namely, Ayyanar Kovil in the east, Vinayagar Kovil in the south, Kariamal Perumal Kovil in the west and Kali Kovil in the north. It is also stated that he erected parivara deities such as Lord Surya and shrines for Natarajar and Sandeswara, besides constructing the Mahamandapam.

51. The paper states that the said Pandya King, Jatavarman Kulasekara Pandian, was defeated by the Chola King, namely, Kulothunga Chozhan III, in 1205 A.D. After the defeat of Kulothunga Chozhan III in 1219 A.D., Maravarman Sundara Pandian I is stated to have commenced the construction of a gopura in the name of “Avanivendraman”. The same was completed by Jatavarman Sundara



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Pandian during the period from 1251 to 1268 A.D. and was named the

“Sundara Pandya Thirukkopuram”.

52. Further, in the temple, Maravarman Sundara Pandian II, during the period from 1238 to 1251 A.D., enlarged the Swami Kovil (God's shrine) by adding an outer corridor around the walls of the Amman Temple and constructed the Sannadhi Mandapas, known as the Sundara Pandyan Mandapas. He also built a seven-tiered gopura (Chitra Gopuram), a Mandapa for Atiraveesi Aaduvar and completely renovated the temple. Chitra Gopuram is the only seven-tiered gopura in the temple. It is also known as Muttalakkum Vayil.

53. The paper also states that a three-tiered gopura in the Amman Shrine, on the way to the Amman Shrine from the Kilikuttu Mandapam, was constructed by Vembaturar Ananda Thandava Nambi in 1227 A.D. It is also called Vembathurar Gopuram. He was a descendant of Perumbatra Pulliyur Nambi, who wrote the Thiruvallavayudayar Thiruvilayadal Puranam. The work mentioned above was released in the court of Varathunga Rama Pandian at Karivalamvanthanallur. The King bestowed several gifts upon the author, including the area in which he lived, which

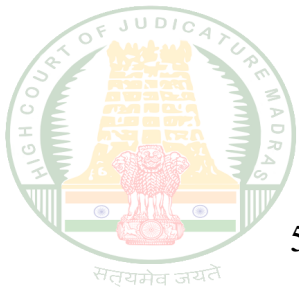


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came to be known as Selli Nadu. The family was thus a wealthy one. The construction of the Vembathurar Gopuram is ascribed by some to Ananda Thandava Nambi and by others to his wife.

54. The paper also states that the temple dedicated to Goddess Meenakshi was built by Malayadhwaja Pandian and Kanchanamalai. The original name of Goddess Meenakshi was Thadadakai. She was a brave warrior who enjoyed a high status and was renowned for her valour. She is believed to be an incarnation of Goddess Parvathi. She was married to Lord Shiva.

55. The paper also states that temple that had been built earlier appears to have been developed further by Maravarman Sundara Pandian during the 13th century. However, the same appears to have been demolished in 1311 A.D. during the invasion of Malik Kafur. It appears that the outer wall with 14 towers was pulled down and that the temple remained closed for 48 years.

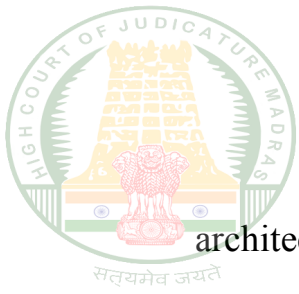


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56. Only the two shrines dedicated to Lord Sundareswarar and Goddess Meenakshi are stated to have survived, while the structures surrounding them were destroyed, along with several works of art and sculptures. Following the fall of the Madurai Sultanate in 1365 A.D., Kumara Kampana Udayar, the Vijayanagara King, brought most parts of Tamil Nadu under his control in 1366 A.D. Thereafter, he is stated to have marched with a large army to Madurai in 1372 A.D., defeated Ala-ud-din Sikkandar Shah, captured Madurai and annexed it to the Vijayanagara Empire. His objective was not merely to annex the southern parts to the Empire, but also to renovate the temples at Srirangam, Chidambaram, Kannanur and Madurai, which had been destroyed during the Muslim invasions. He made arrangements for the conduct of regular poojas in these temples and enabled the people to resume worship.

57. In view of the fact that the city remained under Muslim rule until 1373 AD, when Kumara Kampana is stated to have driven away the invaders, it is difficult to conceive that the structure in question could have been built on the date assigned to it.

58. The paper also states that it is generally agreed that from an



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architectural perspective, it belongs to this period. It is, therefore, quite

possible that it was built soon after Kampana's victory over the Muslims.

According to the Thirupanimalai, Kampana rebuilt the compound wall, brought back the idols that had been concealed in Nanjil Nadu during the Muslim invasion and donated jewels. He also granted certain villages for the performance of daily poojas in the temple. The “Mathura Vijayam”, written by his wife Gangadevi, also makes reference to her husband's invasion of Madurai.

59. The paper also states that the structure, cultural features and architectural elements of the Arulmigu Meenakshi Sundareswarar Tirukovil were rebuilt during the 16th to 18th centuries A.D., during the reign of the Nayak rulers of the Vijayanagara Empire. It is not clear whether the temple structure that existed earlier was rebuilt in accordance with the Agamas or whether the subsequent additions and renovations to the temple complex were carried out in accordance with the Agamas.

60. It can be inferred from the above stated history, the architecture of the Meenakshi Sundareshwarar temple that is built in the dravidian style of architecture. From the Research paper published in



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International Journal for Research & Development in Technology on the

Title “A Review Study on Architecture of Hindu Temple” by Prathamesh

Gurme and Prof. Uday Patil, wherein detail view of the architecture of the

Hindu temple is provided with and a small portion of the article is

extracted below for reference:-

“Ancient Indian temples are classified in three broad types. This classification is based on different architectural styles, employed in the construction of the temples. Three main style of temple architecture are the Nagara or the Northern style, the Dravida or the Southern style and the Vesara or Mixed style.”

61. However, as far as Meenakshi Sundareshwarar Temple is concerned, no said texts have been cited to state that only Sivachariyars alone are the person who are to officiate the process in Kudamuzhakku /Kumbaabhisheka.

62. It appears that the rituals presently being followed by the temple have been in practice since the Nayak period. Whether the recitation of hymns in Sanskrit during the consecration and Kudamuzhuku (Kumbabishekam) is in accordance with the Agamas and if so, which of the 28 Agamas applicable to Shiva temples is to be followed, can be



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determined only on the basis of archaeological and architectural findings, adopting appropriate new and scientific methods. Likewise, whether the present practice of reciting hymns in Sanskrit within the Sanctum Sanctorum is supported by any specific text prescribed under the Agamas or otherwise can be determined only upon a proper examination and after obtaining appropriate findings in this regard.

NOTES ON FEW PAST LITIGATIONS: A GLIMSE ON MARCH OF LAW

63. In the year 1998, one **V.S. Srikumar** and one **M. Pitchai** filed **W.P.Nos.15791 and 16932 of 1998**, seeking to forbear the respondent H.R. & C.E. Department from implementing the use of the Tamil language in the performance of poojas in temples, contrary to the Agamic principles, and from interfering with the customary and traditional mode of worship.

64. This Court, by its order dated **19.03.2008**, dismissed both the Writ Petitions with the following observations:-

“50. In the light of the above and in the light of the earlier decisions, there is nothing either in the Agamas or in any other religious script to prohibit



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the chanting of Tamil manthras in the temples run under the administration of the HR&CE Department. In fact, the present attempt by the respondent State is not to replace either the existing practice with a new practice nor there is any encroachment into the time tested practice of the rituals and customary usages and practices in the temples in Tamil Nadu.

51. On the contrary, the choice is vested with the devotees to seek for their archanas to be performed at their wishes by chanting the manthras either in Tamil or in Sanskrit. This is not a method of replacing the traditional poojas offered 6 times or 4 times, as the case may be, but only in addition to the regular poojas performed in the temple. Ultimately, it is the devotees or bhakthas who wish that their prayers or wishes to be answered by the God and the petitioners cannot interdict their personal egos in the matter of a facility being provided to the devotees in the State. ***Their attempt to portray as if the God can understand only Devanagari language and Tamil cannot stand on par with that language is only stated to be rejected and it does not have any foundation based upon any scripture or religious texts.***

52. If the petitions are allowed to have their own way then the fear expressed by Dr. Radhakrishnan in his book "The Hindu View of Life" will come true. At page 11 of the said book, Dr. Radhakrishnan wrote as follows:

"To many, Hinduism seems to be a name without any content. Is it a museum of beliefs, a medley of rites, or a mere map, a geographical expression?"

If the petitioners' request for a restrained order is



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accepted, it will only result in the Hinduism becoming mere museum of beliefs.

53. In view of the above, both the writ petitions fail and accordingly, stand dismissed. However, there will be no order as to costs. Connected Miscellaneous Petitions are closed.”

65. In the year 2020, **W.P.(MD) Nos.1102 and 1126 of 2020** and **W.P.No.1644 of 2020** were filed by **Thirumurugan, Dr.D.Senthilnathan** and **Maniarasan**, respectively, with regard to the conduct of the consecration of **Thanjai Peruvudaiyar Temple**, also known as **Brihadheeshwarar Temple**, in the Tamil language, by chanting Tamil Saiva Agamams (Thevaram and Thiruvagasagam).

66. The Hon'ble Division Bench of this Court *vide* its order dated 30.01.2020 dismissed the same with the following observations:-

“21. Considering the abovesaid factual matrix, we are of the considered view and opinion that the Court should be hesitant and reluctant to interfere with the religious functions and ceremonies of the Temples, unless a strong case has been made out and established that the religious practices and functions of the Temples are violative of the provisions of the Constitution of India and in such view of the matter, in the light of the abovesaid arrangements made at the Thanjai Peruvudaiyar Temple / Brihadeeswarar Temple in the proposed consecration ceremony by



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giving the Tamil language due prominence as per the agama principles and as done earlier and when it is further noted that the Sanskrit language has not been given any special status, particularly, by ignoring the Tamil language, in all, we do not find sufficient cause to accede to the case projected by the petitioners and in such view of the matter, we do not deem it fit and appropriate to interfere with the religious functions and ceremonies of the Temple in question by giving any directions qua the performance of the consecration ceremony to be held on 05.02.2020 as putforth by the petitioners.

22. On the abovesaid determination, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23. Lastly, we direct the official respondents and the Temple Authority, to file a compliance report of the conduct of the consecration ceremony and other allied functions, within a period of four weeks from the conclusion of the event in the Registry and the same shall form part of the record.”

67. Thereafter, one **D.Ponnusamy** filed **W.P.(MD) No.19115 of 2020** before the Division Bench of this Court, seeking a direction to the H.R. & C.E. Department, the Thakkar and the Executive Commissioner of **Arulmigu Kalyana Pasupatheeswarar Swamy Tirukovil, Karur**, to conduct the consecration, Kudamuzhuku/Nanneerattu function of the said temple in Tamil, by chanting the Thirumuraikal and Tamil Saiva Manthirams and by rendering the songs of Saint Amaravathi Aatrangarai



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68. The Hon'ble Division Bench of this Court disposed of the said Writ Petition by its order dated **19.08.2021**, with the following observations:-

“12. It is impossible to believe that Gods do not understand local languages. If God does not understand the wealthy literature which is devoted to it, the Bakthi Literatures generated by “Nayanmars” “Azhwars” and devoted saints could not have been developed. Appar, Sundarar, Sambandar and Thiruvavukarasar are responsible for Bakthi Movement in Tamil Nadu, who sang in praise of Lord Shiva using Tamil hymns/verses. The 12 nayanmars who are ardent devotees of Lord Shiva are responsible for construction of many Temples with the patronage of the Kings. Similarly, Tamil language has been developed by Alwars and Vaishnavites. It is the 12 Azhwars who consecrated almost 108 holy abodes of Lord Thirumal. They used Tamil language to praise and please God Thirumal. The procedures developed by Saint Ramanujar is being followed in all Vaishnavite Temples throughout South India. During the lord's procession, Tamil hymns like “Thirupavai” and “Nalaaairadivya Prabandham” used to be recited by the devotees preceding Lord “Thirumal” followed by Sanskrit vedas recited by priests. For the past 1000 years, it is the custom and tradition being followed. From the above, it is clear that Tamil has been given prominence in vaishnavism.

13. There is a saying that Tamil has been developed by Alwars. Even as on today, in “Tirumalai Tirupathi Temple”, during the month of



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Margazhi, it is only Thirupavai which is recited before Lord Thiruvengkatathan. Even according to Bhagavat Geetha, Lord Krishna stated that he manifests himself in the month of Margazhi. Thus, God Thirumal would like to hear “Tamil Thirupavai” during the month of Margazhi which he is fond of. When Vaishnavism gave importance and prominence to Tamil hymns, Saivism equally gave importance to Tamil, due to availability of many literatures, especially Bakthi literature. If God could not understand Tamil, how was it possible for die hard devotees who were committed to worshiping of Lord Shiva, Lord Thirumal, Lord Muruga etc., to have composed so many hymns in praise of them. Therefore, the theory that God understands only one language cannot be believed.

14.The petitioner seeks for performing Kudamuzhuku in a particular temple by reciting Tamil verses. However, it is not only for that Temple but throughout the country, all the Temples should be consecrated by reciting Tamil Thirumurai and other hymns composed by Saints like Alwargal and Nayanmargal, apart from Pattinathar, Arunagirinathar etc.,

15.If Tamil hymns cannot be used in the Temples located in Tamil Nadu, nowhere else it can be used. It is stated that King Raja Raja Chozhan retrieved Thirumurais and brought it to Periya Temple in procession by placing them on Elephant. Such was the importance given to Tamil language by “King Raja Raja Chozhan”. It is said Raja Raja Chozhan – I ventured to recover the hymns after hearing short excerpts of Thevaram in his Court. By divine intervention Nambiandar Nambi, from whom help was sought by Raja Raja Chozhan found the presence of scripts in the form of Cadijam leaves half eaten by white ants in a chamber inside the second



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*precincts in Thillai Natarajar Temple, Chidambaram. Since Raja Raja Chozhan was instrumental in retrieving Thirumurais, he is popularly known as “Thirumurai Kanda Chozan”. **When that is the position, it is not understandable, how the practice of reciting Tamil slowly vanished in Tamil Nadu.** Therefore, a direction is necessary to recite Tamil hymns/verses and Thirumurais during Kudamuzhuku primarily, alongwith Sanskrit hymns/vedas during Kudamuzhuku.*

16.A Committee should be constituted by the State Government comprising of Tamil scholars, devotees and those who are believers of God to identify and consolidate the important and ancient Tamil hymns composed by Saints like Nayanmars and Alwars, Arunagirinathar, Pattinathar and other Siddhars. The Committee formed should make consultation with experts and all other stake holders connected with the Temples and file a report to the Government.

17.The State Government shall take a decision regarding the date from which Kudamuzhuku would be conducted in Tamil or equal importance is given along with Sanskrit. The Committee should be reconstituted periodically so that if any other worthy hymns are found, they could also be recited along with other verses which are recited at the time of performing Kudamuzhuku.

18.With the above direction, the Writ Petition is disposed of. No costs.”

69. Pursuant to the aforesaid direction of the Division Bench of this Court, a Committee was also constituted by the Commissioner of



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HR&CE, in consultation with the Government, comprising the following

six members, and the report thereof is awaited:-

- (1) **Thavathiru Kundrakudi Ponnambala Adikalar, Thiruvannamalai Aadheenam, Kundrakudi.**
- (2) **Thavathiru Santhalinga Maruthachala Adikalar, Perur Aadheenam, Coimbatore.**
- (3) **Thiru.M.P.Sathiyavel Muruganar.**
- (4) **Thiru.Su.Ki.Sivam**
- (5) **Thiru.Pa.Kumaralingam**
- (6) **Additional Commissioner (Education)**

70. Subsequently, by an order dated **26.09.2025** in **I.A.No.230404 of 2025** in **C.A.No.7692 of 2023**, the Hon'ble Supreme Court has directed the replacement of the names nominated by the Government of Tamil Nadu and has appointed **Shri Sivagnana Balaya Swamigal, Adheena Karthar, Arulmigu Boomapuram Adheenam, Mailam**, as a member of the Committee constituted pursuant to the Order in W.P.No.19115 of 2020 dated 19.08.2021.

71. In *Chellappa Iyer Vs State of Tamil Nadu & Ors*, 2022 (4) CTC 289 **W.P.(MD) No. 15739 of 2021** and **16827 of 2021**, the First Bench of this Court *vide* its dated **27.06.2022**, directed the respondents therein to appoint Archakas to the temples with respect to the



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qualification and eligibility by following the decision of the Hon'ble

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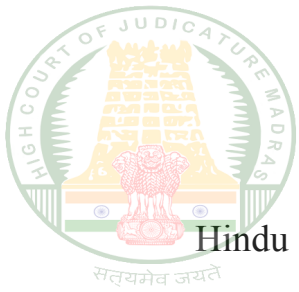
Supreme Court in ***Seshmmal and Ors Vs State of Tamil Nadu***, (1972) 2

SCC and ***Adi Saiva Sivachariyargal Nala Sangam & Ors Vs The Government of Tamil Nadu & Ors***. MANU/SC/1454/2015.

72. Also, in **W.P.(MD) No. 21738 of 2022** dated **24.02.2023** of ***K.Karthik Vs State of Tamil Nadu and Ors.***, 2023 (2) CTC 198, the court has reiterated what has been said by the Division Bench of this court.

73. In ***Muthu Subramania Gurukkal Vs The Commissioner, HR&CE and Ors.***, in **W.P.No.3997 of 2018**, this Court, *vide* order dated **26.06.2023**, held that the appointment of Archakas shall be governed by the Agamas in Temples built as per agama. The case was filed against the impugned advertisement dated **18.01.2018** inviting application for the appointment to fill up the position of the Archakas at Sri Suganeswarar Temple, Salem.

74. There it was held by the court that the advertisement for the appointment of Archakas shall contain the requirements under the Agama and no reference shall be made to Rule 7 and Rule 9 of the Tamil Nadu



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Hindu Religious Institution Employees (Conditions of Service) Rules,

2020.

75. Appeal was filed against the Order dated **26.06.2023** in **W.P. No. 3997 of 2018** in **W.A. No. 1962 of 2023** wherein notice was ordered on the respondent.

76. The order of the Division Bench in **W.A. No. 1962 of 2023** which ordered notice has been appealed before the Hon'ble Supreme Court in **C.A.No. 7692 of 2023, Srirangam Koil Miras Kainkaryapargal Matrum Athanai Sarntha Koilgalin Miraskainkaryaparargalin Nalasangam** where **The State of Tamil Nadu** is the respondent. The case was last heard on **05.08.2026** and the Hon'ble Supreme Court extended the time period for the committee to submit its report by five months. The case is therefore pending before the Hon'ble Supreme Court.

77. **W.A. No. 1962 of 2023** is also pending as on date. The last order in **W.A. No. 1962 of 2023** was passed on 26.03.2026 wherein it was ordered as under:-

“1. In view of the order passed by the Hon’ble Supreme



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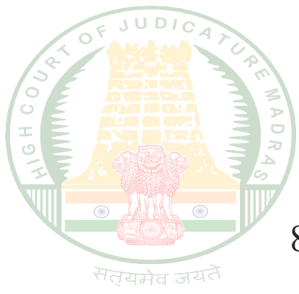
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Court dated 19.03.2026 in Civil Appeal No.7692 of 2023, the matter is adjourned sine die.

2. The parties are at liberty to circulate a letter to the Registry for listing of the matter once the said Civil Appeal has been disposed of.”

78. This was captured in the Interim Report filed by the Committee in the case of ***Srirangam Koil Miras Kainkaryaparargal Matrum Athanai Sarntha Koilgalin Miraskainkaryaparargalin Nalasangam vs. The State of Tamil Nadu and others***, in Civil Appeal No. 7692 of 2023.

79. Meanwhile, by an order dated **22.08.2022** came to be passed by the First Bench of the Madras High Court (Principal Bench of this Court) in **W.P. No. 17802 of 2021**. It is reported in 2022 (5) CTC; 2022 SCC OnLine Mad 4154. It was filed by the 5th respondent herein namely, **All India Adi Saiva Sivacharyargal Seva Sangam**, represented by its **General Secretary, B.S.R. Mutukumar** against **State of Tamil Nadu**, represented by its **Secretary to Government, Namakkal Kavignar Maligai and another**, challenging Tamil Nadu Hindu Religious Institution Employees (Conditions of Service) Rules, 2020.



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80. Paragraph No. 49 and Paragraph No. 50 of the order are

reproduced below:-

“49. The only grey area is about the identification of the temples constructed as per the Agamas. It is for the reason that while the Apex Court recognized the right of a doctrine or belief guaranteed under Article 26 of the Constitution of India, it left it open for the individual to challenge the appointment of Archakas in the temples which were constructed as per Agamas. It has been held that the Archakas have to be appointed keeping in mind temple constructed as per the Agamas and therefore, there is a need for a direction to identify the temples constructed as per the Agamas and, that too, with further bifurcation as to under which Agama it was constructed. It is informed that there are as many as 28 Shaiva Agamas under which temples were constructed, apart from Vaishnava Agamas, etc. Thus, we are in agreement with the parties to the litigation to issue a direction on the State Government to constitute a Committee presided over by a Retired High Court Judge, apart from eminent persons having deep knowledge of the subject, so that with the constitution and submission of the report by identifying all the temples constructed under Agamas, the appointment of Archakas may be governed by the usage and practice, thereby it may not offend the Agamas.

50. Accordingly, we direct the State Government to constitute a Five-Member Committee, out of which the Chairperson would be Hon'ble Mr.Justice M.Chockalingam, Retired Judge of the Madras High Court, with Mr.N.Gopalaswami, Head of the Madras Sanskrit College's Executive Committee, as one of the Member, being an eminent person possessing knowledge of the subject. Two members would be nominated by the Government in consultation with the Chairperson of the Committee within a period of one month from the date of



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receipt of a copy of this order. The Commissioner of the HR & CE Department would be the Ex-officio Member of the Committee. The Committee would then identify the temples which were constructed as per Agamas. On identification of the temple constructed as per particular Agama, the appointment of Archaka would be governed accordingly and as per the judgment of the Apex Court, supra, leaving those temples which have not been constructed as per the Agamas.”

81. Thus, the First Bench in its order dated 22.08.2022 constituted a **Committee** under the **Chairmanship of the Hon'ble Mr. Justice Chokkalingam** (Retd. Judge of this Court), with **Mr.N.Gopalaswami**, the President of the Madras Sanskrit College as one of its members and the **Commissioner of the H.R. & C.E. Department** as an ex officio member. Subsequently, **Thavathiru Kundrakudi Adigalar** was appointed as another member for identification which of the Temples were constructed as per Agamas.

82. Therefore, the First Bench of this Court also applied the Doctrine of Reading Down to protect the rights guaranteed under Articles 16(5), 25 & 26 of the Constitution of India and held that the appointment of Archakas in the temple constructed as per Agama is to be governed by Agamas and therefore the impugned Rules viz Tamil Nadu Hindu



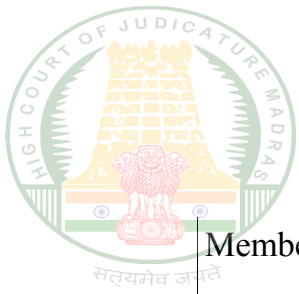
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Religious Institution Employees (Conditions of Service) Rules, 2020

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83. Thus, two committees have been constituted: one Committee by the **State Government** as directed by this court in its order dated **19.08.2021** in **W.P.(MD) No.19115 of 2020** and another Committee pursuant to the order dated **22.08.2022** in **W.P.No.17802 of 2021** for a different purpose. Table below provides a clear view of both the Committees.

	W.P.(MD)No: 19115 of 2020	W.P. No: 17802 of 2021 [2022 (5) CTC; 2022 SCC OnLine Mad 4154]
Order Dated	19.08.2021	22.08.2022



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Members	1. Thavathiru Kundrakudi Ponnambala Adikalar, Thiruvannamalai Aadheenam, Kundrakudi. 2. Thavathiru Santhalinga Maruthachala Adikalar, Perur Aadheenam, Coimbatore. 3. Thiru.M.P.Sathiyavel Muruganar. 4. Thiru.Su.Ki.Sivam 5. Thiru.Pa.Kumaralingam 6. Additional Commissioner (Education)	1. Mr. Justice Chokkalingam – Chairmanship 2. Mr. N. Gopalaswami – Member 3. Commissioner of HR&CE – Ex Officio Member 4. Thavathiru Kundrakudi Adigalar – Member (Member names were replaced by the order of the Hon'ble Supreme Court, those names reads as under:-) 1. Shri Sivagnana Balaya Swamiga l– Member 2. Adheena Karthar– Member 3. Arulmigu Boomapuram Adheenam, Mailam – Member
Purpose	Whether hymns in Tamil or any other language can be recited during Kumabishekam/Kudamuzzhaku.	To identify which of the Temple are constructed as per Agama.

84. Further, the petitioner in W.P.(MD) No. 12387 of 2026 **[D.Sureshbabu]** had also filed the following Writ Petitions to allow him to perform Yasgasalai Velvi Kundam Nigalvukal as Velvi Asiriyar i.e, to chant Tamil mantras/hymns during the Kumbabisekham in the below mentioned Temples:-

Sl. No.	W.P.No.	Name of the Temple	Date of the order
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W.P.(MD) Nos.11386 & 12387 of 2026

1	W.P.No.2269 of 2025	Arulmigu Patteswarar Thirukovil, Perur, Coimbatore	24.01.2025
2	W.P.No.4667 of 2025	Arulmigu Patteswarar Thirukovil, Perur, Coimbatore	07.02.2025
3	W.P.(MD)No.17252 of 2025	Tiruchendur Murugan Temple / Arulmigu Subramaniya Swami Tirukovil, Tiruchendur	26.06.2025
4	W.P.(MD)No.35686 of 2025	Arulmigu Meenakshi Sundareswarar Temple, Madurai *	16.12.2025

* Mandala Poojai

85. Similarly, the petitioner in **W.P.(MD) No. 11386 of 2026** [Tamil Rajendiran @ R. Rajendiran] filed **W.P.(MD) No.970 of 2023** before the Division Bench of this Court in connection with the **Kudamuzhuku (Kumbabishekam) of Arulmigu Dhandayuthapani Swamy Tirukovil, Palani**, which was scheduled to be held on **27.01.2023**.

86. An interim order came to be passed by the Hon'ble Division Bench of this Court on **19.01.2023**. The Court thereafter referred to the orders passed in W.P.(MD) Nos.1102, 1126 and 1644 of 2020, dated



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31.01.2020 filed by **Thirumurugan, Dr.D.Senthilnathan** and

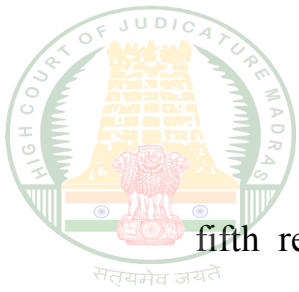
Maniarasan, referred to *supra*, and an order dated 19.08.2021 in **W.P.**

(MD) No.19115 of 2020 filed by D. Ponnusamy.

87. The Court also recorded the statement of the then learned Additional Advocate General, who produced a copy of the communication of the Joint Commissioner/Executive Officer of the said Palani Temple in Na.Ka.No.150/2023/C6, dated 18.01.2023, and submitted that steps had been taken to sing the “**Thirumuraikal**” by two **Othubar Moorthis** at the **Rajagopuram** during the **Kudamuzhuku** and that the authorities would perform the **Kudamuzhuku** of **Palani Murugan** Temple also by reciting **Tamil spiritual Mantras** in accordance with the **Agamic Rules**.

88. Thereafter, the said Writ Petition was adjourned and was finally dismissed on 02.07.2025 on the ground that the consecration ceremony of the temple had already been concluded and, therefore, no further adjudication on the merits was required.

89. A similar Writ Petition was filed by one **S.Sathiyabama** before the Principal Bench of this Court in **W.P.No.8186 of 2026**, wherein the



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fifth respondent herein, namely, **All India Adi Saiva Sivacharyargal**

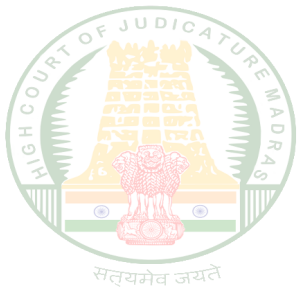
Seva Sangam, represented by its General Secretary, for whom, Mr.P.Valliappan, learned Senior Counsel, duly instructed by Mr.P.Thiyagarajan, learned counsel, had also appeared in the present Writ Petitions, also filed **W.M.P.No.28564 of 2026** seeking to implead itself as a party to the proceedings and to place a detailed counter-affidavit.

90. However, after the said Sangam filed its counter-affidavit, the petitioner therein namely, the said **S.Sathiyabama** withdrew the said Writ Petition in **W.P.No.8186 of 2026**. Thus, the said **W.P.No.8186 of 2026** was dismissed as withdrawn on **10.07.2026**.

91. A similar writ petition was also filed before the Principal Seat of this court in **W.P.No.33101 of 2026**. The court by its order dated **24.08.2026** held as under:-

“This Writ Petition has been filed seeking a direction to the respondents to conduct the consecration (Kudamuzhukku / Nanneerattu / Maha Kumbhabishekam) ceremony of Arulmigu Meenakshi Amman Temple, Madurai, by permitting the petitioner to chant the Thirumuraigal in Tamil and recite Tamil Vedic mantras during the Gopura Kalasa Nanneerattu Peruvizha, Karuvarai Poojai, and Velvi.

2. The learned counsel appearing for the petitioner



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submitted that the petitioner is the founder-President of the Sathiyabama Trust. The primary objects of the Trust are to impart education to underprivileged children, teach Tamil Vedic Agamas to students, and train temple priests in Saiva Agamas and mantras relating to Balalayam and Kumbhabishekam in the Tamil language. The counsel contended that although numerous Kumbhabishekams are conducted across Tamil Nadu, it has become the standard practice of the Hindu Religious and Charitable Endowments (HR & CE) Department to perform these ceremonies exclusively by chanting Sanskrit mantras. The Tamil Thirumurai Odhuvar Moorthigal are routinely made to sit outside the Karuvarai (sanctum sanctorum) and are only permitted to chant Tamil hymns there. Consequently, Tamil mantras are effectively excluded from the three main events of the Kumbhabishekam. The petitioner specifically contended that since the HR & CE Department has decided to perform the Maha Kumbhabishekam of Arulmigu Meenakshi Amman Temple in Madurai after a long lapse of 14 years, the petitioner submitted representations seeking permission to chant the Thirumuraigal and Tamil Saiva mantras inside the Karuvarai, Velvichalai, and at the Gopurakalasam. Multiple representations were also sent to the respondents requesting a formal policy order that allows devotees to approach temple authorities and chant Tamil hymns during Kudamuzhuku ceremonies. Unfortunately, no such orders have been issued, without any valid justification. Hence, the petitioner has approached this Court for the reliefs stated above.

3. The learned Special Government Pleader appearing for the HR & CE Department submitted that the present Writ Petition is based on a mere apprehension that Tamil mantras will not be permitted during the Kumbhabishekam. He clarified that Odhuvar Moorthigal are specifically appointed to recite Tamil hymns such as the Thevaram, Thiruvagasam, and Thirumandiram, and they will be duly permitted to recite these alongside the Sanskrit Vedas.

4. Heard both sides and perused the materials available



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on record.

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5. Recording the submission of the learned Special Government Pleader, this Court directs the respondents to permit the Tamil Thirumurai Odhuvar Moorthigal inside the temple to chant mantras where the Sanskrit Vedas are recited. They shall be allowed to do so during all main events of the Kumbhabishekam, in the same location and immediately following the chanting of the Sanskrit Vedas. The Commissioner of the HR & CE Department (the second respondent) is further directed to ensure strict compliance with this directive, not only in the subject temple but across all temples falling under the purview of the Department.

6. Accordingly, this Writ Petition stands disposed of with the above observations. No costs."

92. Article 16(5), Article 25 and Article 26 of the Constitution of India are relevant in the context. Thus, a Table is reproduced below for the sake of clarity:-

Article 16	Article 25	Article 26
Equality of Opportunity in the matters of Public Employment	Freedom of Conscience and free Profession, Practice and Propagation of Religion	Freedom to Manage Religious Affairs



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Clause (1) to (4B) is not relevant

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I.—The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II.—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;
(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law

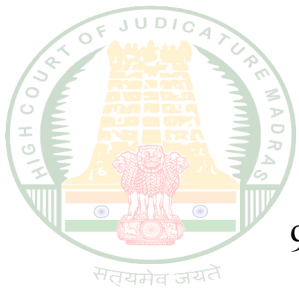


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WEB COPY 93. Article 16 of the Constitution of India deals with equality of opportunity in matters of public employment. As per Article 16(2) of the Constitution of India, no citizen shall be ineligible for, or discriminated against in respect of, any employment or office under the State on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them.

94. However, under Article 16(3), Parliament is empowered to make a law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union Territory, any requirement as to residence within that State or Union Territory prior to such employment or appointment.

95. Under Article 16(4), the State is empowered to make provisions for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

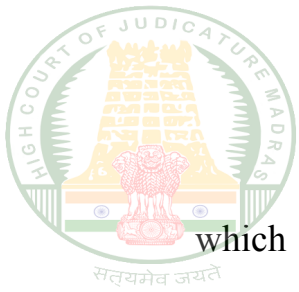


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96. Article 16(4A) states that the State is also empowered to make any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes, which, in the opinion of the State, are not adequately represented in the services under the State.

97. Article 16(4B) states that the State can consider any unfilled vacancies of a year, which were reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A), as a separate class of vacancies to be filled up in any succeeding year or years. Such a class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on the total number of vacancies of that year.

98. As far as the present case is concerned Article 16(5) of the Constitution of India is relevant. It is an exception to what has been stipulated in Article 16(1) to Article 16(4B) of the Constitution of India. As per the said exception, nothing shall affect the operation of any law



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which provides that the incumbent of an office, shall be a person professing a particular religion or belonging to a particular denomination in connection with _

- (a) the affairs of any religious institution; or
- (b) denominational institution; or
- (b) any member of the governing body thereof,

99. The expression law is defined in Article 13 of the Constitution of India.

100. The Hon'ble Supreme Court in ***Sardar Syedna Taher Saifuddin Saheb v. The State of Bombay***, 1962 Supp 2 SCR 496 has summarised the position insofar as the Articles 25 and 26 of the Constitution as follows:-

- i. *The first is that the protection of these articles is not limited to matters of doctrine or belief they extend also to acts done in pursuance of religion and therefore contain a guarantee for rituals and observances, ceremonies and modes of worship which are integral parts of religion.*
- ii. *The second is that what constitutes an essential part of a religious or religious practice has to be decided by the courts with reference to the doctrine of a particular religion and include practices which are*



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regarded by the community as a part of its religion.

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101. The above observations was made taking note of the decisions in (1) ***Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Math*** [1954 SCR 1005]; (2) ***Mahant Jagannath Ramanuj Das v. State of Orissa*** [1954 SCR 1046]; (3) ***Sri Venkataramana Devaru v. State of Mysore*** [1958 SCR 895]; and (4) ***Durgah Committee, Ajmer v. Syed Hussain Ali*** [(1962) 1 SCR 383], holding the above principles underlying these provisions have by these decisions been placed beyond controversy.

102. Scope of Article 16(5) of the Constitution of India was also considered by the Hon'ble Supreme Court in the decision in the ***Seshammal*** case referred to *supra*. There the Hon'ble Supreme Court also referred to the above decision in ***Sardar Sayendra Taher Saifuddin Saheb*** case referred to *supra* relating to Article 25 and Article 26 of the Constitution of India.

103. There, the validity of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970, was questioned by the



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Hereditary Archakas and Mathadhipatis of some of the ancient Hindu

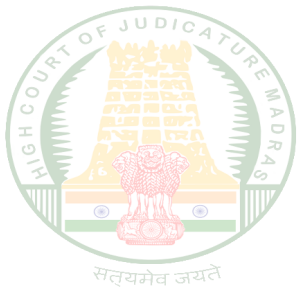
Public Temples in Tamil Nadu on the ground that it violated their freedom guaranteed under Articles 25 and 26 of the Constitution of India.

104. By virtue of the aforesaid amendment, Sections 55, 56 and 116 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, as they stood till then, were amended. Paragraph 9 of the said decision sets out the amendments, by which certain clauses were omitted, added and substituted. Paragraph 9 of the said decision captures the amendments, which omitted, added and substituted these provisions of the Act is extracted below:-

9. To appreciate the effect of the Amendment Act, it would be more convenient to set out the original Sections 55, 56 and 116 of the Principal Act and the same sections as they stand after the amendment.

Unamended Section

Amended Section



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Section 55. Appointment of office-holders and servants in religious institutions.-

(1) Vacancies, whether permanent or temporary, among the office-holders or servants of a religious institution shall be filled up by the trustee in cases where the office or service is not hereditary. *

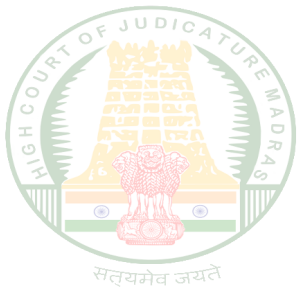
(2) In cases where the office or service is hereditary, the person next in the line of succession shall be entitled to succeed. *

Section 56. Appointment of office-holders and servants in religious institutions.-

(1) Vacancies, whether permanent or temporary, among the office holders or servants of a religious institution shall be filled up by the trustee in all cases. *

Explanation:- The expression 'office-holders or servants shall include archakas and poojaris.' #

(2) No person shall be entitled to appointment to any vacancy referred to in sub-section (1) merely on the ground that he is next in the line of succession to the last holder of office. *



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(3) Where, however, there is a dispute respecting the right of succession, or where such vacancy cannot be filled up immediately or where the person entitled to succeed is a minor without a guardian fit and willing to act as such or there is a dispute respecting the person who is entitled to act as guardian, or-

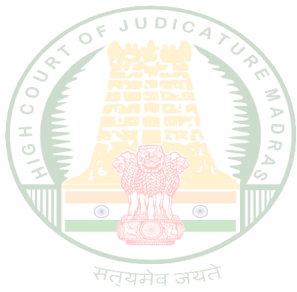
Where the hereditary officeholder or servant is on account of incapacity illness or otherwise unable to perform the functions of the office or perform the service, or is suspended from his office under sub-section (1) of section 56, the trustee may appoint a fit person to perform the functions of the office or perform the service, until the disability of the office-holder or servant ceases or another person succeeds to the office or service, as the case may be.

Explanation : In making any appointment under this subsection, the trustee shall have due regard to the claims of members of the family, if any, entitled to the succession. **

(4) Any person aggrieved by an order of the trustee under sub- section (3) may, within one month from the date of the receipt of the order by him, appeal against the order to the Deputy Commissioner. *

(3) Omitted.

(4) Any person aggrieved by an order of trustee under section (1) may within one month from the date of receipt of the order by him appeal against the order of the, Deputy Commissioner. *



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Section 56. Punishment of office-holders and servants in religious institutions. - (1) All Office-holders and servants attached to a religious institution or in receipt of any emolument or perquisite therefrom shall,

whether the office or service is hereditary or not, be controlled by the trustee; and the trustee may, after following the prescribed procedure, if any, fine, suspend, remove or dismiss any of them for the breach of trust incapacity, disobedience of orders: neglect of duty, misconduct or other sufficient cause. *

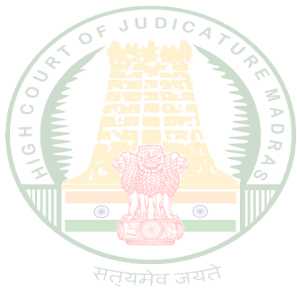
(2) Any office-holder or servant punished by a trustee under sub-section(1) may, within one month from the date of the receipt of the order by him, appeal against the order to the Deputy Commissioner.

(3) A hereditary officeholder or servant may, within one month from the date of the receipt by him of the order of the Deputy Commissioner under sub-section (2), prefer an appeal to the Commissioner against such order. **

Section 56. Punishment of office-holders and servants in religious institutions- (1) All office holders and servants attached to a religious institution or in receipt of any emolument or perquisite therefrom shall be controlled by the Trustee and the trustee may after following the prescribed procedure, if any, fine, suspend, remove or dismiss any of them for breach of trust, incapacity, disobedience of orders, neglect of duty, misconduct or other sufficient cause. *

(2) Any office holder or servant Punished by a trustee under sub-section (1) may within one month from the date of receipt of order by him appeal against the order to the Deputy Commissioner.

(3) Omitted.



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Section 116 (xxiii) – (1)
The Government may, by notification, make rules to carry out the purposes of this act. **

Section 116 (xxiii) –

(2) Without prejudice to the generality of the foregoing power, such rules may provide for- **

*Section 116(xxiii) - The qualifications to be possessed by the officers and servants' for appointment to nonhereditary offices in religious institutions, the qualifications to be possessed by hereditary servants for succession to office and the conditions of service of all such officers and servants. **

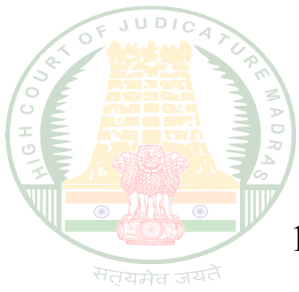
*Section 116(xxiii) - The qualifications to be possessed by the officers and servants for appointment to offices in religious institution and the conditions of service of all such officers and servants. **

* Substituted

Added

** Omitted

105. Thus, the above amendments took away the hereditary right of succession to the office of the priest vis, poosaris and Archaka. Even if a priest was otherwise qualified under Rule 12 of the Madras Hindu Religious Institutions (Officers and Servants) Service Rules, 1964, there was no scope for appointment to such post by virtue of hereditary rights.



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106. The Hon'ble Supreme Court has ultimately observed as under:-

“22. In view of sub-section (2) of Section 55, as it now stands amended, the choice of the trustee in the matter of appointment of an Archaka is no longer limited by the operation of the rule of next-in-line of succession in temples where the usage was to appoint the Archaka on the hereditary principle. The trustee is not bound to make the appointment on the sole ground that the candidate, is the next-in-line of succession to the last holder of office. To that extent, and to that extent alone, the trustee is released from the obligation imposed on him by Section 28 of the principal Act to administer the affairs in accordance with that part of the usage of a temple which enjoined hereditary appointments. The legislation in this respect, as we have shown, does not interfere with any religious practice or matter of religion and, therefore, is not invalid.”

107. In Paragraph 15 the Hon'ble Supreme Court in ***Seshammal*** case observed as under:-

*“15. Section 55 of the principal Act as it originally stood and Rule 12 of the Madras Hindu Religious Institutions (Officers and Servants) Service Rules, 1964, ensured, so far as temples with hereditary Archakas were concerned, that there would be no defilement of the image. **By providing in sub-section (2) of Section 55 that “in cases, where the office or service is hereditary, the person next in the line of succession shall be entitled to succeed”, it ensured the personal qualification of the Archaka that he should belong to a particular sect or denomination as laid down in the Agamas.** By Rule 12 it also*



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*ensured that the Archaka would be proficient in the mantras, vedas, prabandams, thevaramas, etc., and thus be fit for the performance of the puja, in other words, that he would be a person sufficiently qualified for performing the rituals and ceremonies. **As already shown an image becomes defiled if there is any departure or violation of any of the rules relating to worship, and this risk is avoided by insisting that the Archaka should be an expert in the rituals and the ceremonies. By the Amendment Act the principle of next-in-the-line of succession is abolished.** Indeed it was the claim made in the statement of objects and reasons that the hereditary principle of appointment of office-holders in the temples should be abolished and that the office of an Archaka should be thrown open to all candidates trained in recognised institutions in priesthood irrespective of caste, creed or race. **The trustee, so far as the amended Section 55 went, was authorised to appoint anybody as an Archaka in any temple whether Saivite or Vaishnavite as long as he possessed a fitness certificate from one of the institutions referred to in Rule 12. Rule 12 was a rule made by the Government under the principal Act. That rule is always capable of being varied or changed. It was also open to the Government to make no rule at all or to prescribe a fitness certificate issued by an institution which did not teach the Agamas or traditional rituals. The result would, therefore, be that any person, whether he is a Saivite or Vaishnavite or not, or whether he is proficient in the rituals appropriate to the temple or not, would be eligible for appointment as an Archaka and the trustee's discretion in appointing the Archaka without reference to personal and other qualifications of the Archaka would be unbridled. The trustee is to function under the control of the State because under Section 27 of the principal Act the trustee was bound to obey all lawful orders issued under the provisions***



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of the Act by the Government, the Commissioner, the Deputy Commissioner or the Assistant Commissioner. It was submitted that the innocent looking amendment brought the State right into the sanctum sanctorum through the agency of the trustee and the Archaka.”

108. In Paragraph No. 12 the Honble Supreme Court observed as under:-

*“12. The Agamas have also rules with regard to the Archakas. In Saivite temples only a devotee of Siva, and there too, one belonging to a particular denomination or group or sub-group is entitled to be the Archaka. If he is a Saivite, he cannot possibly be an Archaka in a Vaishnavite Agama temple to whatever caste he may belong and however learned he may be. Similarly, a Vaishnavite Archaka has no place as an Archaka in a Saivite temple. Indeed there is no bar to a Saivite worshipping in a Vaishnavite temple as a lay worshipper or vice versa. What the Agamas prohibit is his appointment as an Archaka in a temple of a different denomination. Dr Kane has quoted the Brahmapurana on the topic of Punah-pratistha (Re-consecration of images in temples) at p. 904 of his History of Dharmasastra referred to above. The Brahmapurana says that “when an image is broken into two or is reduced to particles, is burnt, is removed from its pedestal, is insulted, has ceased to be worshipped, is touched by beasts like donkeys or falls on impure ground or is worshipped with mantras of other deities or is rendered impure by the touch of outcastes and the like — in these ten contingencies, God ceases to indwell therein”. **The Agamas appear to be more severe in this respect. Shri R. Parthasarathy Bhattacharya, whose***



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authority on Agama literature is unquestioned, has filed his affidavit in Writ Petition No. 442 of 1971 and stated in his affidavit, with special reference to the Vaikhanasa Sutra to which he belongs, that according to the texts of the Vaikhanasa Shastra (Agama), persons who are the followers of the four Rishi traditions of Bhrigu, Atri, Marichi and Kasyapa and born of Vaikhanasa parents are alone competent to do puja in Vaikhanasa temples of Vaishnavites. They only can touch the idols and perform the ceremonies and rituals. None others, however, high placed in society as pontiffs or Acharyas, or even other Brahmins could touch the idol, do puja or even enter the Garbha Griha. Not even a person belonging to another Agama is competent to do puja in Vaikhanasa temples. That is the general rule with regard to all these sectarian denominational temples. It is, therefore, manifest that the Archaka of such a temple besides being proficient in the rituals appropriate to the worship of the particular deity, must also belong, according to the Agamas, to a particular denomination. An Archaka of a different denomination is supposed to defile the image by his touch and since it is of the essence of the religious faith of all worshippers that there should be no pollution or defilement of the image under any circumstance, the Archaka undoubtedly occupies an important place in the matter of temple worship. Any State action which permits the defilement or pollution of the image by the touch of an Archaka not authorised by the Agamas would violently interfere with the religious faith and practices of the Hindu worshipper in a vital respect, and would, therefore, be prima facie invalid under Article 25(1) of the Constitution.”

109. In Paragraphs 11, 14, 16 & 19 the Hon'ble Supreme Court has

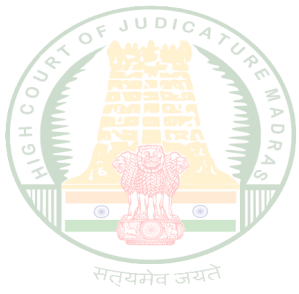


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observed as under regarding “Agamas” :-

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“11. Before we turn to these questions, it will be necessary to refer to certain concepts of Hindu religious faith and practices to understand and appreciate the position in law. The temples with which we are concerned are public religious institutions established in olden times. Some of them are Saivite temples and the others are Vaishnavite temples, which means, that in these temples God Shiva and Vishnu in their several manifestations are worshipped. The image of Shiva is worshipped by his worshippers who are called Saivites and the image of Vishnu is worshipped by his worshippers who are known as Vaishnavites. The institution of temple worship has an ancient history and according to Dr Kane, temples of deities had existed even in the 4th or 5th century B.C. (See History of Dharmasastra Vol. II, Part II, p. 710). With the construction of temples the institution of Archakas also came into existence, the Archakas being professional men who made their livelihood by attending on the images. Just when the cult of worship of Siva and Vishnu started and developed into two distinct cults is very difficult to say, but there can be no doubt that in the times of the Mahabharata these cults were separately developed and there was keen rivalry between them to such an extent that the Mahabharata and some of the Puranas endeavoured to inculcate a spirit of synthesis by impressing that there was no difference between the two deities. (See p. 725 supra.) With the establishment of temples and the institution of Archakas, treatises on rituals were compiled and they are known as “Agamas”. The authority of these Agamas is recognised in several decided cases and by this Court in Sri Venkataramana Devaru v. State of Mysore [1958 SCR 895] Agamas are described in the last case as treatises of ceremonial law dealing with



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such matters as the construction of temples, installation of idols therein and conduct of the worship of the deity. There are 28 Agamas relating to the Saiva temples, the most important of them being the Kamikagama, the Karanagama and the Suprabedagama. The Vaishnavas also had their own Agamas. Their principal Agamas were the Vikhanasa and the Pancharatra. The Agamas contain elaborate rules as to how the temple is to be constructed, where the principal deity is to be consecrated, and where the other Devatas are to be installed and where the several classes of worshippers are to stand and worship. Where the temple was constructed as per directions of the Agamas the idol had to be consecrated in accordance with an elaborate and complicated ritual accompanied by chanting of mantras and devotional songs appropriate to the deity. On the consecration of the image in the temple the Hindu worshippers believe that the Divine Spirit has descended into the image and from then on the image of the deity is fit to be worshipped. Rules with regard to daily and periodical worship have been laid down for securing the continuance of the Divine Spirit. The rituals have a two-fold object. One is to attract the lay worshipper to participate in the worship carried on by the priest or Archaka. It is believed that when a congregation of worshippers participates in the worship a particular attitude of aspiration and devotion is developed and confers great spiritual benefit. The second object is to preserve the image from pollution, defilement or desecration. It is part of the religious belief of a Hindu worshipper that when the image is polluted or defiled the Divine Spirit in the image diminishes or even vanishes. That is a situation which every devotee or worshipper looks upon with horror. Pollution or defilement may take place in a variety of ways. According to the Agamas, an image becomes defiled if there is any departure or violation of any of the

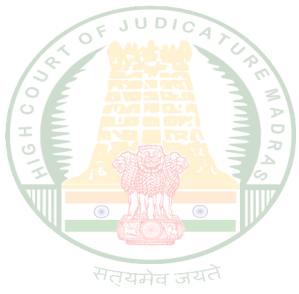


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rules relating to worship. In fact, purificatory ceremonies have to be performed for restoring the sanctity of the shrine [1958 SCR 895 (910)]. Worshippers lay great store by the rituals and whatever other people, not of the faith, may think about these rituals and ceremonies, they are a part of the Hindu religious faith and cannot be dismissed as either irrational or superstitious. An illustration of the importance attached to minor details of ritual is found in the case of *His Holiness Peria Kovil Kelvi Appan Thiruvengkata Ramanuja Pedda Jiyyangarlu Varlu v. Prathivathi Bhavankaram Venkatacharlu* [73 IA 156] which went up to the Privy Council. The contest was between two denominations of Vaishnava worshippers of South India, the Vadagalais and Tengalais. The temple was a Vaishnava temple and the controversy between them involved the question as to how the invocation was to begin at the time of worship and which should be the concluding benedictory verses. This gives the measure of the importance attached by the worshippers to certain modes of worship. The idea most prominent in the mind of the worshipper is that a departure from the traditional rules would result in the pollution or defilement of the image which must be avoided at all costs. **That is also the rationale for preserving the sanctity of the Garbhagriha or the sanctum sanctorum. In all these temples in which the images are consecrated, the Agamas insist that only the qualified Archaka or Pujari shall step inside the sanctum sanctorum and that too after observing the daily disciplines which are imposed upon him by the Agamas. As an Archaka he has to touch the image in the course of the worship and it is his sole right and duty to touch it. The touch of anybody else would defile it. Thus under the ceremonial law pertaining to temples even the question as to who is to enter the Garbhagriha or the sanctum sanctorum and who is not entitled to enter it and who can**



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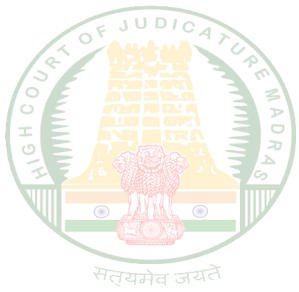
worship and from which place in the temple are all matters of religion as shown in the above decision of this Court.

14. Bearing these principles in mind, we have to approach the controversy in the present case.

110. As far as the appointment of Priest in Vaishnava or Saiva

Temple is concerned, the Honble supreme Court observed as under:-

16. It has been recognised for a long time that where the ritual in a temple cannot be performed except by a person belonging to a denomination, the purpose of worship will be defeated: See Mohan Lalji v. Gordhan Lalji Maharaj [35 All (PC) 283 at p. 289]. In that case the claimants to the temple and its worship were Brahmins and the daughter's sons of the founder and his nearest heirs under the Hindu law. But their claim was rejected on the ground that the temple was dedicated to the sect following the principles of Vallabh Archarya in whose temples only the Gossains of that sect could perform the rituals and ceremonies and, therefore, the claimants had no right either to the temple or to perform the worship. In view of the Amendment Act and its avowed object there was nothing, in the petitioners' submission, to prevent the Government from prescribing a standardised ritual in all temples ignoring the Agamic requirements, and Archakas being forced on temples from denominations unauthorised by the Agamas. Since such a departure, as already shown, would inevitably lead to the defilement of the image, the powers thus taken by the Government under the Amendment Act would lead to interference with religious freedom guaranteed under Articles 25 and



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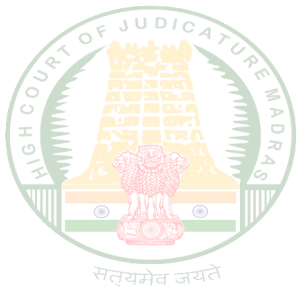
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26 of the Constitution.

17. The force of the above submissions made on behalf of the petitioners was not lost on the learned Advocate-General of Tamil Nadu who appeared on behalf of the State. He, however, side-tracked the issue by submitting that if we were to consider in isolation only the changes introduced in Section 55 by the Amendment Act the situation as described on behalf of the petitioners could conceivably arise. He did not also admit that he was bound by either the statement of objects and reasons or the reiteration of the same in the counter-affidavit filed on behalf of the State. His submission was that we have to take the principal Act as it now stands after the amendment and see what is the true effect of the same. He contended that the power given to the trustee under the amended Section 55 was not an unqualified power because, in his submission, that power had to be read in the context of Section 28 which controlled it. Section 28(1) provides as follows:

“Subject to the provisions of the Tamil Nadu Temple Entry Authorisation Act, 1947, the trustee of every religious institution is bound to administer its affairs and to apply its funds and properties in accordance with the terms of the trust, the usage of the institution and all lawful directions which a competent authority may issue in respect thereof and as carefully as a man of ordinary prudence would deal with such affairs, funds and properties if they were his own.”

18. The learned Advocate-General argued that the trustee was bound under this provision to administer the affairs of the temple in accordance with the terms of the trust and the usage of the

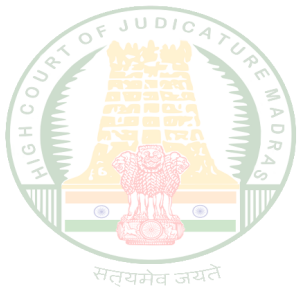


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institution. If the usage of the institution is that the Archaka or Pujari of the temple must be of a particular denomination, then the usage would be binding upon him and he would be bound to make the appointment under Section 55 in accordance with the usage of appointing one from the particular denomination. There was nothing in Section 55, in his submission, which released him from his liability to make the appointment in accordance with the said usage. It was true that the principle of the next-in-line of succession was not binding on him when making the appointment of a new Archaka, but in his submission, that principle is no part of the usage, the real usage being to appoint one from the denomination. Moreover the amended section, according to him, does not require the trustee to exclude in every case the hereditary principle if a qualified successor is available and there was no reason why the trustee should not make the appointment of the next heir, if found competent. He, however, agreed, that there was no such legal obligation on the trustee under that section. He further contended that if the next-in-line of succession principle is regarded as a usage of any particular temple it would be merely a secular usage on which legislation was competent under Article 25(2)(a) of the Constitution. Going further, he contended that if the hereditary principle was regarded as a religious practice that would be also amenable to legislation under Article 25(2)(b) which permits legislation for the purpose of social welfare and reform. He invited attention to the report of the Hindu Religious Endowments Commission (1960-1962) headed by Dr C.P. Ramaswami Aiyar and submitted that there was a crying need for reform in this direction since the hereditary principle of appointment of Archakas had led to grave malpractices practically destroying the sanctity of worship in various religious institutions.

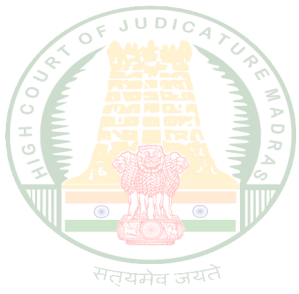


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19. We have found no any difficulty in agreeing with the learned Advocate-General that Section 28(1) of the principal Act which directs the trustee to administer the affairs of the temple in accordance with the terms of the trust or the usage of the institution, would control the appointment of the Archaka to be made by him under the amended Section 55 of the Act. In a Saivite or a Vaishnavite temple the appointment of the Archaka will have to be made from a specified denomination, sect or group in accordance with the directions of the Agamas governing those temples. Failure to do so would not only be contrary to Section 28(1) which requires the trustee to follow the usage of the temple, but would also interfere with a religious practice the inevitable result of which would be to defile the image. The question, however, remains whether the trustee, while making appointment from the specified denomination, sect or group in accordance with the Agamas, will be bound to follow the hereditary principle as a usage peculiar to the temple. The learned Advocate-General contends that there is no such invariable usage. It may be that, as a matter of convenience, an Archaka's son being readily available to perform the worship may have been selected for appointment as an Archaka from times immemorial. But that, in his submission, was not a usage. The principle of next-in-line of succession has failed when the successor was a female or had refused to accept the appointment or was under some disability. In all such cases the Archaka was appointed from the particular denomination, sect or group and the worship was carried on with the help of such a substitute. It, however, appears to us that it is now too late in the day to contend that the hereditary principle in appointment was not a usage. For whatever reasons, whether of convenience or otherwise, this hereditary



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principle might have been adopted, there can be no doubt that the principle had been accepted from antiquity and had also been fully recognised in the unamended Section 55 of the principal Act. Sub-section (2) of Section 55 provided that where the office or service is hereditary, the person next in the line of succession shall be entitled to succeed and only a limited right was given under sub-section (3) to the trustee to appoint a substitute. Even in such cases the explanation to sub-section (3) provided that in making the appointment of the substitute the trustee should have due regard to the claims of the members of the family, if any, entitled to the succession. Therefore, it cannot be denied as a fact that there are several temples in Tamil Nadu where the appointment of an Archaka is governed by the usage of hereditary succession. The real question, therefore, is whether such a usage should be regarded either as a secular usage or a religious usage. If it is a secular usage, it is obvious, legislation would be permissible under Article 25(1) (a) and if it is a religious usage it would be permissible if it falls squarely under sub-section 25(1)(b).

111. The Hon'ble Supreme Court, while dealing with the vires of the amendments brought about by the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970, clearly held that while making appointments from the specified denomination, sect or group in accordance with the Agamas, the question as to whether the trustees would be bound to follow the hereditary principle as a usage peculiar to the temple was considered. The Court answered the question by observing



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that for whatever reasons, whether of convenience or otherwise, this hereditary principle might have been adopted, there can be no doubt that the principle had been accepted from antiquity and had also been fully recognised in the unamended Section 55 of the principal Act.

112. The above observation in the above decision of the Hon'ble Supreme Court rendered in the context of the amendment to the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 vide the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 has to be held to be authority insofar as the powers of the Hereditary Trustee to appoint a person to the post of priest (Archakas) other than by way of Hereditary Succession which was hereditary in nature till then.

113. The Hon'ble Supreme Court relied upon the affidavit of Shri R. Parthasarathy Bhattacharya, who filed an affidavit in **W.P. No. 442 of 1971**, wherein special reference was made to the Vaikhanasa Sutra to which he belongs. In the extracted portion, the Honble Supreme Court observed that according to the texts of the Vaikhanasa Shastra (Agama), only persons who are followers of the four Rishi traditions of Bhṛigu,



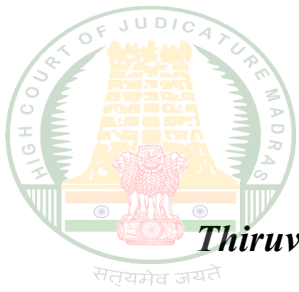
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Atri, Marichi and Kasyapa and who are born to Vaikhanasa parents are competent to perform puja in Vaikhanasa temples of Vaishnavites.

114. A reading of the above judgment also makes it clear that different Agamas are applicable to Vaikhanasa temples and Shiva temples. There are about 28 Agamas for Shiva temples, whereas, in the case of Vaikhanasa temples, there are two principal Agamas, namely Vikhanasa and Pancharatra.

115. The decision also elucidates that, according to the Agamas, an image becomes defiled if there is any departure from or violation of any of the rules relating to worship. In further observes that in fact, purificatory ceremonies have to be performed for restoring the sanctity of the shrines. Thus, the Court also emphasised that worshippers attach great importance to the rituals and that, whatever other people who are not of the faith may think about these rituals and ceremonies, they are an integral part of the religious practices.

116. An illustration of the importance attached to minor details of ritual is found in the case of *His Holiness Peria Kovil Kelvi Appan*



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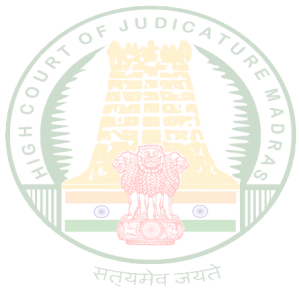
Thiruvengkata Ramanuja Pedda Fiyyangaru Varlu v. Prathivathi

Bhayankaram Venkatacherlu and Others, 1958 SCR 895.”

117. The observations made in the above paragraphs are not to be treated as the correct position on facts and are merely *Sub Silentio* that are made in passing reference as the Hon'ble Supreme Court was concerned only with the validity of the H.R. & C.E. Act.

118. The Hon'ble Supreme Court in the case of ***N. Adithayan Vs The Travancore Devasom Board & Ors.***, 2002 SCC OnLine SC 945 dated **03.10.2002** has diluted the above case and the court held that there is no justification for permitting only the Malayali Brahmins to carry out the necessary rites and rituals of the temple as priests. The temple customs restricting only the brahmins to perform the rituals was held violative of human rights and human dignity. Relevant portion is extracted below :-

“Any custom or usage irrespective of even any proof of their existence in pre constitutional days cannot be countenanced as a source of law to claim any rights when it is found to violate human rights, dignity, social equality and the specific mandate of the Constitution and law made by Parliament. No usage which is found to be pernicious and considered to be in derogation of the law of the land or opposed to public policy or social decency can be accepted



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or upheld by Courts in the country.”

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119. Since the Government of Tamil Nadu has also constituted a Committee pursuant to the order passed by the First Bench of the Madras High Court (Principal Bench of this Court) in *All India Adi Saiva Sivacharyargal Seva Sangam, represented by its General Secretary, B.S.R. Mutukumar v. State of Tamil Nadu, represented by its Secretary to Government, Namakkal Kavignar Maligai and another*, 2022 SCC OnLine Mad 4154, vide G.O.(Ms.) No.418, Tourism, Culture and Religious Endowments Department, dated 06.10.2025 to determine which of the temples were built as per Agamas.

RESULT

120. (I) It emerges that as on date, the law is that in the case of temples which have been constructed in accordance with the Agamas, the rituals in such temples have to be strictly followed in accordance with the Agamas.

(II) However, whether a particular temple has been constructed in accordance with the Agamas or not is to be determined by the Committee

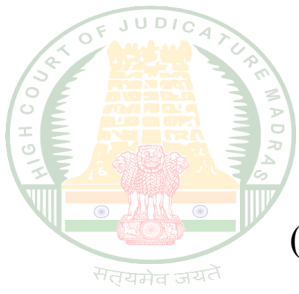


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constituted by the First Bench of the Madras High Court (Principal Bench of this Court), *vide* its order dated **22.08.2022** in **W.P.No.17802 of 2021**.

(III) As far as the recitation of **Tamil hymns** (தமிழ் திருமுறை) and hymns in any language other than Sanskrit is concerned, a separate Committee has been constituted by the Government pursuant to the order of the Division Bench of this Court in **W.P.(MD) No.19115 of 2020**, *vide* order dated **19.08.2021**.

(IV) Recitation of Tamil hymns (தமிழ் திருமுறை) will be subject to the recommendation of the said Committee constituted by the Government pursuant to the order of the Division Bench of this Court in **W.P.(MD) No.19115 of 2020**, *vide* order dated **19.08.2021** and subject to such orders of the Hon'ble Supreme Court, since the Hon'ble Supreme Court is also seized of the issue, as is evident from the order dated **26.09.2025** passed in **Civil Appeal No.7692 of 2023**, which was last listed on **05.08.2026** and has been adjourned to **February, 2027** by extending the time for completing the exercise of identifying the temples in the State of Tamil Nadu which are governed by the Agamas.



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(V) Therefore, the relief sought for by the petitioner in W.P.(MD) No.12387 of 2026 cannot be countenanced at this stage, since the issue is *sub judice* before the Hon'ble Supreme Court.

(VI) That apart, unless Rules are framed, a person who is not an employee of any of the temples cannot independently seek a prayer for recitation of hymns during the Velvi Kundam Nigalvugam (raising of the sacred fire), which forms part of the Kudamuzhukku (Kumbabishegam) scheduled to be held on **17.09.2026**. However, like all devotees, the petitioner, can participate in the Kudamuzhukku (Kumbabishegam) scheduled to be held on **17.09.2026** at Arulmigu Meenakshi Sundareswarar Tirukovil, Madurai.

(VII) The petitioner cannot seek for a relief except only and in accordance with the procedure established by law, as the Writ Court is intended to implement the law and declare the law and not to make the law.

(VIII) Although the petitioner may have the requisite qualification to chant Tamil hymns (தமிழ் திருமுறை), the petitioner cannot seek such a relief under Article 226 of the Constitution of India. At best, this Court



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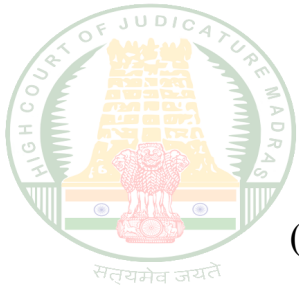
can acknowledge that there has been a denial of an opportunity and possibly offends Article 14 of the Constitution of India.

(IX) However, that issue would have to be tested in appropriate proceedings, in the light of the ratio laid down by the Hon'ble Supreme Court in ***Seshammal***, referred to *supra*.

(X) It is for the Legislature or the Executive to take a call as to whether the time has come to allow others to participate in events such as Kudamuzhukku (Kumbabishegam), keeping in view the progress made since the Constitution was adopted on 26.11.1949.

(XI) Additionally, it is clarified that there cannot be any deviation unless there is a valid challenge to the procedure being followed, in appropriate proceedings before the appropriate forum, including a competent Court.

(XII) Therefore, **W.P.(MD) No.12387 of 2026** is liable to be dismissed and is accordingly dismissed.



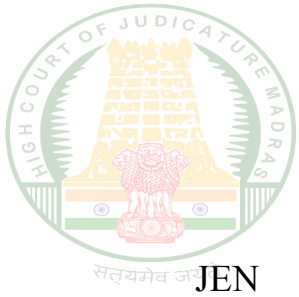
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(XIII) As far as the request of the petitioner in **W.P.(MD) No. 11386 of 2026** is concerned, the recitation of Tamil spiritual mantras, including Tamil hymns by Othuvvars, has already been address and implemented in the temples and has been in practice. Therefore, insofar as the request for recitation of the same along with Sanskrit, equally, in the rituals at Yaga Salai, Karuvarai and Gopura Vimanam is concerned, as mentioned above, unless there is a law by the Legislature or delegated Legislation, the petitioner cannot seek for such a relief, as the Writ Court is intended to implement the law and declare the law, and not to make the law.

(XIV) Whether participation in such events is to be opened to others in future would be subject to the law to be declared by the Hon'ble Supreme Court in the cases pending before it and, thereafter, to the determination as to whether the said temple was constructed in accordance with the Agamas.

(XV) Accordingly, both the Writ Petitions are liable to be dismissed and are accordingly dismissed with the above observations. There shall be no order as to costs.



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03.09.2026

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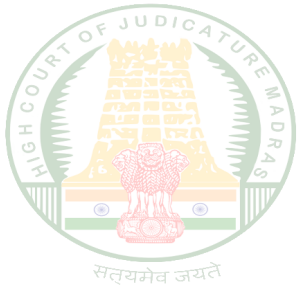
Index : Yes / No

Internet : Yes

Neutral Citation : Yes

To

- 1.The Principal Secretary,
Hindu Religious and Charitable Endowments Department,
The Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Secretary,
Tourism, Culture and Religious Endowments Department,
The Government of Tamil Nadu,
Fort St.George, Secretariat, Chennai.
- 3.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Chennai - 600 034.
- 4.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department, Madurai.
- 5.The Joint Commissioner / Executive Officer,
O/o.The Joint Commissioner,
Arulmigu Meenakshi Sundareswarar Tirukovil,
Madurai - 625 001.



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C.SARAVANAN, J.

JEN

Pre-Delivery Common Order made
in
W.P.(MD) Nos.12387 & 11386 of 2026

03.09.2026