

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23.06.2025

WEB COPY

CORAM

**THE HON'BLE MRS.JUSTICE S.SRIMATHY
AND
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**REV.APL.WRIT(MD)Nos.81 and 82 of 2025
and WMP(MD).Nos.12035, 12037, 12036 and 12038 of 2025**

1.R.Sivarama Subramaniya Sasthrigal

Vidhayahar

Arulmigu Subramaniya Swamy Thirukoil

No.42/27, 2nd Sandhi Lane

Thiruchendur 628 215

Thoothukudi District

....Review Applicant

/Petitioner in Review.No.81 of 2025

2.Sri Subramaniya Swamy Thirukoil

Swathanthira Paribalana Sthalathargal Saba

(Regn.No.12/96) Rep.by its President

M.Veerabaghu Moorthy

S/o.Mahadevan

No.37, Thuvadasi Madam

Teppakulam Street

Thiruchendur 628 215

Thoothukudi District

....Review Applicant

/Petitioner in Review.No.81 of 2025

Vs

1.The State of Tamil Nadu

Rep.by its Secretary to Government

Hindu Religious and Charitable Endowments Department

Secretariat, Chennai 600 009

2.The Commissioner

Hindu Religious and Charitable Endowments

139, Uthamar Gandhi Salai

Nungambakkam

Chennai 600 034

3.The Executive Officer/Joint Commissioner



Thiruchendur Temple
Thiruchendur

4.The Thakkar/Fit Person
Thiruchendur Temple
Thiruchendur

....Respondents /Respondents
in both review applications

Common Prayer in Review Applications:- Review Applications filed under Order 47 Rule 1 & 2 of C.P.C read with Section 114 of CPC, to set aside the order dated 21.05.2025 passed in WP(MD).Nos.14567 and 14654 of 2025 and allow the review applications.

For Petitioners : Mr.Sri Charan Rengarajan
For Mr.T.Sakthikumar in both applications

For Respondents :Mr.P.Subbaraj
Special Government Pleader for R1 & R2

:Mr.R.Shanmugasundaram
Senior Counsel
for Mr.M.Muthugeethayan for R3 & R4
in both applications.

COMMON JUDGMENT

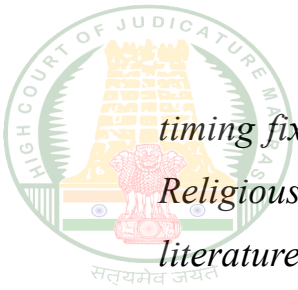
(Made by **R.VIJAYAKUMAR,J.**)

These two review applications have been filed seeking to review the common order passed by this Court in WP(MD).No.14567 and 14654 of 2025 on 21.05.2025.

(A)Factual Matrix:

i) The prayers in both the writ petitions are as follows:

Prayer in WP(MD).No.14567 of 2025: The Hon'ble Court may be pleased to issue a writ of mandamus directing the respondents to follow the



timing fixed by the petitioner's as per Section 105(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the ancient texts and literatures like 'Kala Prahasiha', 'Kala Vidhanam' and 'Sarva Mukurtha Chinthamani' and declare that the consecration will take place on 07.07.2025 at 12.05 p.m to 12.45 pm.

Prayer in WP(MD).No.14654 of 2025: The Hon'ble Court may be pleased to issue a writ of mandamus directing the respondents to follow the timing fixed by the petitioner's as per Section 105(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 and the ancient texts and literatures like 'Kala Prahasiha', 'Kala Vidhanam' and 'Sarva Mukurtha Chinthamani' and declare that the consecration will take place on 07.07.2025 at 12.05 p.m to 12.45 pm.

ii) A common order was passed by this Court on 21.05.2025 in Paragraph Nos.8 are 9 are as follows:

8. We are of the considered opinion that the court would not be in a position to fix the time and date with regard to the performance of the Kumbhabhishekam, and it has to be decided by the concerned experts. Therefore, we are inclined to form a committee consisting of the following members:

- 1) Sthanikar and Vidhayahar of Arulmighu Subramaniya Swamy Thirukoil (petitioner in W.P(MD)No.14567 of 2025);*
- 2) Sivasri K.Pitchai Gurukkal, Chief Priest of Sri Karpaga Vinayagar Temple, Pillaiyarpatti;*
- 3) Sri.K.Subramaniaru, Thanthri of Sree Subramaniaswamy Temple, Thiruchendur;*
- 4) Sivasri S.K.Raja Pattar @ Chandrasekar Pattar, Sthanikar of Arulmigu Subramaniaswamy Thirukoil, Thiruparankundram; and*
- 5) Sri Melsanthi, Iyyappan Temple, Sabarimala, Kerala.*



9. The learned counsel appearing on either side have agreed that the committee of experts could decide the timing for the performance of the Kumbhabhishekam on 07.07.2025. The meeting would be conducted at the earliest in the presence of the Joint Commissioner/Executive Officer of the Arulmighu Subramaniya Swamy Thirukoil, Tiruchendur. The respondents' authorities are directed to arrange for such a meeting at the earliest, and authorities are directed to follow the majority opinion of the abovesaid committee in accordance with the Agama of the temple. The experts are requested to consider the matter independently by considering various aspects, including Agama Rules of the concerned temple, and arrive at an independent decision. The experts are further requested to consider the representation of the Sri Subramaniya Swamy Thirukoil Swathanthira Sthalathargal Saba dated 25.04.2025 and 11.05.2025, which are addressed to the Government authorities.

The above said common order was put to challenge before the Hon'ble Supreme Court in SLP(C).No.16297-16298 of 2025.

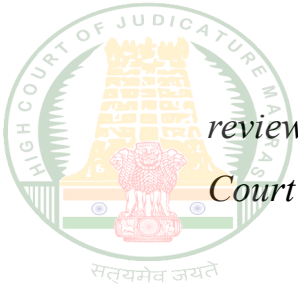
(iii)The Hon'ble Supreme Court was pleased to pass the following orders:

“1.Heard learned senior counsel for the petitioners and learned senior counsel for the respondents appearing on caveat.

2.Considering the petitioners' submission that the formation of the committee as indicated in para '9' of the order impugned is itself not correct, we permit the petitioners to prefer a review petition.

3.At this stage, learned senior counsel for the respondents would submit that the petitioners have already participated in the meetings held by the committee and the report has already been submitted.

4.Be that as it may, if the petitioners so desire, they may prefer a



review petition before the High Court with liberty to approach this Court again.

5.The Special Leave Petitions stand dismissed in the above terms.”

2).Based upon the above permission granted by the Hon'ble Supreme Court, the present review applications have been filed.

(B).The learned Senior Counsel appearing for the review petitioners have made the following submissions:

3)The review applicant is the Vidhayahar of Arulmighu Subramaniya Swamy Thirukoil, Thiruchendur. He plays a very vital role in deciding Agamic and Vedic principles to be followed by the temple during performance of poojas, fixing muhurtham for Kumbhabishekam, celebration of festivals etc., Therefore, the Vidhayahar is the sole and exclusive authority on religious issues pertaining to the temple.

4)The review application had sent a Kumbhabisheka Muhurtha Pattolai to the authority on 03.04.2025 fixing the time between 12.05 p.m to 12.47 p.m on 07.07.2025 as the best time for performance of Kumbhabishekam. However, without considering his opinion, the authorities have proceeded to fix a different time which is inauspicious.

5)As per Section 105 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, the authorities have no right to interfere with the religious and spiritual functions. However, in the present case, the authorities have ignored

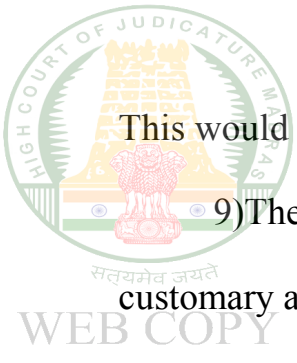


the time fixed by Vidhayahar and has chosen to fix their own timings based upon the alleged opinion obtained from some experts.

6) When Vidhayahar is available, he is the sole authority to fix the timings for the auspicious function. By seeking opinion from other experts who are not conversant with the Agama of Thiruchendur Subramaniya Swamy Temple, the HR & CE officials are attempting to undermine the authority of Vidhayahar.

7) The review applicant/Vidhayahar had given two Muhurtha Pattolai indicating the auspicious time as 6.00 a.m to 6.50 a.m and 09.30 a.m to 10.30 a.m. These two Pattolai are tentative in nature and they were prepared before Panchangam for the Tamil year was published. Therefore, the review application has sent a third Muhurtha Pattolai on 03.04.2025 fixing the timings between 12.05 p.m to 12.47 p.m after taking into account of new Panchangam and various other aspects. The HR & CE officials, without any authority, have sought for opinion from some experts and attempted to change the Kumbhabhishekam timings thereby interfering in the religious activities of the temple.

8) During the past, for various sub-temples affiliated to Thiruchendur Subramaniya Swamy Temple, the Vidhayahar has initially given draft Pattolai and thereafter, has given a fair Pattolai which was different from the draft Pattolai. The HR & CE officials accepted the fair Pattolai and they proceeded to conduct the festival as per the fair Pattolai. However in the present case, they have deviated from the said precedent and considering the difference between draft Pattolai and fair Pattolai as a contradiction, have proceeded to seek opinion from some experts. This was done without putting the Vidhayahar on notice or seeking his further opinion.



This would clearly undermine the authority of the Vidhayahar.

9) The formation of the Expert Committee by this Court would affect the customary as well as legal rights of the Vidhayahar. The HR & CE officials are likely to take advantage of the same and ignore the advise and recommendation of the Vidhayahar even in the religious matters in future. These aspects were not brought to the notice of the Court when the main writ petitions were disposed of. Hence, the present review applications.

(C) Submissions of the learned Senior Counsel appearing on behalf of the respondents 1 and 2 are as follows:

10) Both the review applicants are employees of the temple and they do not have supremacy over the religious or any secular issue touching upon the temple. When an opinion is sought for, Vidhayahar has given three different opinions relating to the timings of Kumbhabishekam. Therefore, the HR & CE officials were constrained to seek for expert opinion. The experts have unanimously agreed for the timings between 6.00 am to 6.47 a.m. The members of the Committee who were appointed by the Court have taken a unanimous decision except the Vidhayahar that the timings between 6.00 a.m to 6.47 a.m is the most auspicious timing for conducting consecration. Only after conducting a meeting pursuant to the order of the High Court, the Agamic experts have arrived at such a finding.

11). The learned Senior Counsel had further contended that the writ petition has been filed seeking a declaration that the consecration should be conducted in a particular timing. It is not based upon any legal right. In case, if the Vidhayahar claims any extra-ordinary right of supremacy, it should be established before the



12). Having accepted the formation of Committee of Experts before this Court, the review applications are not maintainable. The petitioners cannot reargue the review applications as if it is an appeal. Hence, he prayed for dismissing the review applications.

(D). Submissions on the side of the learned Senior Counsel appearing for the respondents 3 and 4 are as follows:

13) The order under review was passed by consent of parties. Therefore, the review applications are not maintainable.

14) The Vidhayahar has given three different timings for consecration of temple on three different dates. Entertaining doubt over the auspicious timings, the authorities have sought for opinion from some experts in the religious field who are well-versed in the Agama principles. The experts have given an unanimous opinion that the timings between 6.00 a.m to 6.50 a.m is auspicious.

15) After the orders of this Court, the Vidhayahar has participated in the meeting and except the Vidhayahar, all others agreed to fix the consecration timings as 6.00 am to 6.50 a.m. Therefore, there is almost unanimity among the Agama experts with regard to the timings of Kumbhabishekam. The Vidhayahar cannot insist that his opinion is supreme and it has to be followed by the temple.

16) The Vidhayahar as well as the Saba members are only employees of the temple and they are receiving remuneration in kind or in cash. In such circumstances, the employees cannot insist the administration to accept their opinion and fix the timings for consecration of the temple.



17)The HR & CE officials were constrained to seek opinion from the experts only because of the fact that the Vidhayahar had given three different timings. Therefore, the review applicants forced the officials for following the majority opinion of the Agama experts.

18)The petitioner is attempting to ventilate his personal grievance and to establish his supremacy in the religious matters. Therefore, the Public Interest Litigation is not maintainable.

19)The present review applications have been filed by a different counsel on record and argued by a different Senior Counsel. Therefore, the present review applications are not maintainable.

20)The ingredients of the review application as contemplated under Order 47 Rule 1 of C.P.C have not been made out and the review applicants are attempting to reargue the matters.

21).Heard both sides and perused the material records.

(E)Discussion:

22).This Court by an order dated 21.05.2025 has passed a common order forming an Expert Committee to decide about the timings of the consecration of Arulmighu Subramaniya Swamy Temple, Thiruchendur on 07.07.2025. In paragraph No.9 of the said order, this Court has specifically pointed out that the learned counsels appearing on either side have agreed for formation of a Committee to decide the timings. This has not been disputed in the grounds filed in the review applications.

23).The counsel on record as well as the learned Senior Counsel appearing for



the review applications have been changed. We cannot appreciate the procedure adopted by the review applicants. However, considering the religious matter touching upon the timings for consecration of the temple, we proceed to decide the review applications on their merits.

24).The applicant in Review Application (MD).No.81 of 2025 is the Vidhayahar of the temple. The applicant in Review Application (MD).No.82 of 2025 is Sri Subramaniya Swamy Thirukoil Swathanthira Paribalana Sthalathargal Saba (Hereinafter referred as 'Saba').

25).The grievance of both the applicants is that, instead of considering the auspicious timing of 12.05 p.m to 12.47 p.m fixed by Vidhayahar of the temple for consecration of the temple, the HR & CE officials have proceeded to fix the timings as 6.00 a.m to 6.50 a.m. which is inauspicious.

26).A perusal of the records reveal that the Executive Officer of the temple has addressed several communications to the Vidhayahar seeking his opinion with regard to consecration of sub-temples affiliated to Sri Subramaniya Swamy Temple, Thiruchendur for changing of the main door, fixing date and timings of the religious festivals associated with temple, change of bell, for introduction of new Kattalai etc., These letters have been addressed to the Vidhayahar between May 2017 to June 2021. Therefore, it is clear that the temple authorities are seeking opinion of the Vidhayahar on each and every spiritual occasion/festival of the temple.

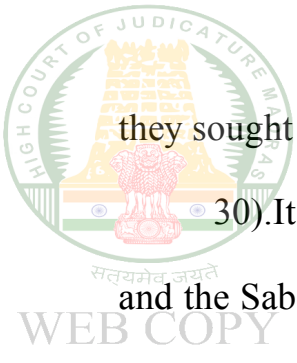
27).A perusal of the records filed on the side of the review applications further reveal that the review applicant has initially given dates and timings for performance of consecration of Sivabaleswarar Temple which is a sub-temple affiliated to Sri



Subramaniya Swamy Temple. Later, he had changed the date and timings and it has been accepted by the authority.

28). A perusal of the previous conduct of the temple officials reveal that they used to send letters in writing seeking opinion of the Vidhayahar for fixing the date and timings for conducting each and every function. However, for a big religious function like that of consecration of Sri Subramaniya Swamy Temple, Thiruchendur, no such letter in writing has been addressed to the Vidhayahar of the temple. It is here the problem started and the conduct and attitude of the temple put the Vidhayahar in precarious position. The Vidhayahar to protect his position has voluntarily sent the three Pattolais. Taking advantage of Vidhayahar's three Pattolais the authorities had approached the experts to get an opinion. In case, if they have entertained any doubt over the different timings given by Vidhayahar, an attempt should have been made to seek clarification from him about the three different timings. No such attempt was made, which has deepened the issue into crisis. It is therefore clear that the HR & CE officials have been highly discourteous to the Vidhayahar of the temple, which has led to the crisis.

29). Now let us consider the present controversy touching upon the timings of consecration of Sri Subramaniya Swamy Temple, Thiruchendur on 07.07.2025. It should also be noted that the Vidhayahar has not mentioned in his first two Pattolais (sacred letter indicating the auspicious time for a temple function) that they are draft Pattolai and they are subject to confirmation on a later date after reconciling the date and timings with the new Panchangam. When a third Pattolai was sent to the authority on 03.04.2025, they have treated all the three Pattolais as fair Pattolai and



they sought for opinion from the experts.

30). It is contended on the side of the HR & CE officials that the Vidhayahar and the Saba members are mere employees of the temple. In Paragraph No.18 of the counter filed by the temple it is averred that, a civil suit in O.S.No.151 of 2017 is pending on the file of the Subordinate Court, Thiruchendur, touching upon the rights of the Vidhayahar as well as rights of the Saba members.

31). The present writ petitions have been filed based upon the customary rights of the Vidhayahar which are said to be protected under Section 105 of the Hindu Religious and Charitable Endowments Act. Since the said issue is pending before the competent civil Court, we are not expressing any opinion on the said issue.

32). As far as the present dispute relating to fixing of timings of consecration is concerned, had the Vidhayahar been careful and pointed out in his first two Pattolais that they are draft in nature and he would come out with a fair Pattolai after going through the Panchangam in future, this confusion would not have arisen. The Committee, that was formed by this Court with the consent of both the parties, was already convened and the members of the said Committee have, by majority, decided about the timings of the consecration.

33) Considering the fact that the experts in the Agama principles have arrived at an opinion with regard to the timings of the consecration as 6.00 a.m to 6.47 a.m, we are not inclined to interfere in the said timings. However, we make it clear that this Court was constrained to form an Expert Committee only due to the fact that Vidhayahar of the temple had given three different Pattolais without mentioning that



the first two Pattolais are draft in nature. Considering the peculiar facts and circumstances, we uphold the formation of the Expert Committee and the timings fixed by them and this should not be taken as a precedent in future. Until a decision is rendered by a competent civil Court, the supremacy of the Vidhayahar in relation to the religious matters of the temple has to be protected. Therefore, the temple is directed to the earlier procedure of seeking opinion from the Vidhayahar through written communication alone. The Vidhayahar shall indicate whether it is draft or final Pattolai while giving opinion and fixing the timing.

F. Conclusion and Directions:

34). In view of the above said deliberations the following directions are issued:

- i. This Court is not inclined to interfere with the timing fixed by the expert committee for the present Kumbhabishekam scheduled to be held on 07.07.2025.
- ii. The temple is directed to follow the earlier procedure of seeking opinion from the Vidhayahar through written communications alone.
- iii. The Vidhayahar shall indicate whether it is draft or final pattolai while giving opinion and fixing the timing.

The Review Applications are disposed of with the above said observations and directions. No costs. Consequently, connected miscellaneous petitions are



WEB COPY

(S.S.Y.J.,)

(R.V.J.,)
23.06.2025

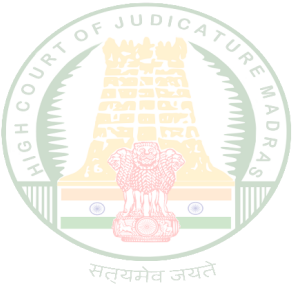
Index: Yes/No
Internet: Yes/No
NCC : Yes/No
msa

To

1.The Secretary to Government
The State of Tamil Nadu
Hindu Religious and Charitable Endowments Department
Secretariat, Chennai 600 009

2.The Commissioner
Hindu Religious and Charitable Endowments
139, Uthamar Gandhi Salai
Nungambakkam
Chennai 600 034

3.The Section Officer
Writ Posting
Madurai Bench of Madras High Court
Madurai.



WEB COPY



S.SRIMATHY,J.
AND
R.VIJAYAKUMAR

msa

REV.APL.WRIT(MD)Nos.81 and 82 of 2025
and WMP(MD).Nos.12035, 12037,
12036 and 12038 of 2025

23.06.2025