



W.P.No.15257 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.15257 of 2025
and
W.M.P.Nos.17220 & 17221 of 2025

K.V.VENUGOPAL
SECRETARY,
KARANI GRAMAM SENGUNDAR SANGAM,
RESIDING AT MADHANGI FLATS,
SECOND FLOOR,
NO.32, SUBRAMANI MUDALI STREET,
SAIDAPET, CHENNAI - 600 015.

... Petitioner

Vs

1. THE SECRETARY TO THE GOVERNMENT OF TAMILNADU,
HINDU RELIGIOUS CHARITABLE AND
ENDOWMENT DEPARTMENT,
FORT ST.GEORGE,
CHENNAI - 600 009.
2. THE COMMISSIONER,
HINDU RELIGIOUS CHARITABLE AND
ENDOWMENT DEPARTMENT,
UTHAMAR GANDHI SALAI,
NUNGAMBAKKAM, CHENNAI-600 034.
3. THE JOINT COMMISSIONER,
H.R. & C.E. DEPARTMENT,
R.K.MUTT ROAD, MYLAPORE,
CHENNAI-600 004.
4. THE ASSISTANT COMMISSIONER,



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HINDU RELIGIOUS CHARITABLE AND
ENDOWMENT DEPARTMENT,
PADI, CHENNAI-600 050.

5. THE EXECUTIVE OFFICER,
A/M.KARANEESWARAR KOIL,
SAIDAPET,
CHENNAI-600 015.

... Respondents

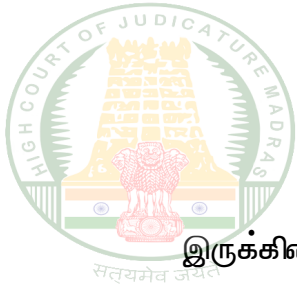
Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the notification issued by the third respondent dated 03.04.2025 bearing Na.Ka.No.977/2025/Aa3 with regard to the appointment of non-hereditary trustees for the fifth respondent temple and to quash the same and direct the third respondent for the issuance of the election notification for the conduct of the election for the election of trustee to the Arulmigu Karneeswarar Thirukoil, Chennai – 600 015 by exercise of franchise by the members of the Sengunthar community permanently residing in Saidapet of Chennai within the limits of corporation of chennai as per the scheme decree dated 23.04.1924 passed in O.S.No.43 of 1919.

For Petitioner : Mr.L.Dhamodharan
For R1 to R5 : Mr.K.Karthikeyan
Government Advocate

ORDER

If religion and worship are for the benefit of the soul, Swami Vivekananda said, “*The soul has neither sex nor caste nor imperfection*”

Well-known poet Bharathidasan said, “இருட்டறையில் உள்ளதா உலகம் சாதி



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இருக்கின்றதென்பானும் இருக்கின்றானே”, Dr.B.R. Ambedkar also stated that

caste exists only in the mind and it has no physical existence.

2. In spite of all this, persons like the petitioner, who claims to be the secretary of a caste-based organization, has approached this Court. The grievance of the petitioner is that the trustees of the temple should be from a particular caste. The petitioner place reliance on the scheme decree that was framed earlier and the same was later modified by the Commissioner.

3. According to the learned counsel appearing for the petitioner, only members of a particular caste should be appointed as trustees. Further, they contend that trustees should be elected only by members of that caste and not even nominated by the Government. However, in the earlier notification issued in the year 2022, applications were invited only from people belonging to that particular caste. Now, through the impugned notice, applications are being invited from the general public. Therefore, the petitioner has approached this Court.

4. The grievance is that only members of a particular caste should be

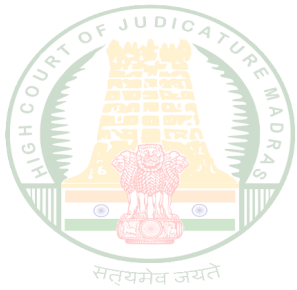


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permitted to serve as trustees of the temple. However, in a detailed judgment

in W.P. No. 3838 of 2025, I have already held that caste is not a religious denomination and no caste can claim the exclusive right to administer a temple. Any such scheme or decree framed with reference to caste is unconstitutional. The said judgment in W.P. No. 3838 of 2025 is extracted below for ready reference:-

*“4. Caste is a social evil. Casteless society is our constitutional goal. Anything towards perpetuation of caste can never be considered by any Court of law. The reason is very simple. Firstly, it is not decided by what one learns or does in life. It is by birth. Thus, it hits at the very basic ethos of the society that all men are born equal. (பிறப்பொக்கும் எல்லா உயிர்க்கும்) . Further, it divides society, leads to discrimination and violence and is against growth. The same has been emphatically laid down by the Hon’ble Supreme Court of India, in **Ashoka Kumar Thakur -Vs- Union Of India (2008 6 SCC 1)**. After noting down the contention that the Constitution does not think of a casteless society, in paragraph No.238, it was held that "the ultimate object is to see that no person gets discriminated against because of his caste. If that be so, it would not be right to say that the ultimate objective is not the casteless society." In paragraph No.298, it is held that "ultimate aim is a casteless and classless society in line with the dream of the Constitution-framers that has to be chewed out." In paragraph No.310, it is held that "It needs no emphasis that if ultimately and indisputably the constitutional goal is the casteless and classless society..." In paragraph No.328, it is stated that "when the object is elimination of castes and not perpetuation to achieve the goal of casteless society and a society free from*



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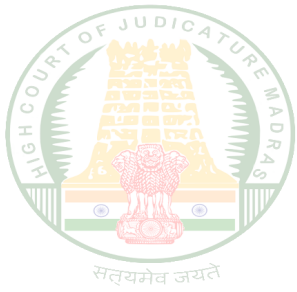
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discrimination of caste, judicial review within the permissible limits is not ruled out." In paragraph No.363, it is mentioned that "our leaders have always and unanimously proclaimed with one voice that our constitutional goal is to establish a casteless and classless society." In paragraph No.605, it has been held "...caste matters and will continue to matter as long as we divide society along caste lines. Caste-based discrimination remains. Violence between castes occurs. Caste politics rages on. Where casteism is present, the goal of achieving a casteless society must never be forgotten. Any legislation to the contrary should be discarded." In paragraph No.666, it is mentioned that "caste has divided this country for ages. It has hampered its growth. To have a casteless society will be the resolution of a noble dream." Thus, if at all it can only be taken into account, it can only be to provide reservation and positive discrimination to uplift the downtrodden/backward classes.

5. Despite seventy-five years of our Constitution, sections of the society are yet to shed this unwanted baggage. The very operation of the Constitutional scheme is frustrated, and the caste system leads to the perversion of the goals and values of the society. Thus, any prayer made which is in the nature of or which has the effect of perpetuation of caste will not only be unconstitutional but would be opposed to public policy. The time has come for this Court to emphatically declare so.

*6. **Dr. B.R. Ambedkar**, in his famous speech on 25th November, 1949, on conclusion of deliberations of the Constituent Assembly, stated;*

"In India there are castes. The castes are anti-national. In the first place because they bring about separation in social life. They are anti- national also



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because they generate jealousy and antipathy between caste and caste. But we must overcome all these difficulties if we wish to become a nation in reality. For fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint".

Thus, it would be violence to the Constitution to entertain prayers on caste basis and exercise the jurisdiction under Article 226 of the Constitution of India.

*7. In this case, we are in the realm of prayer relating to the temple practice. In this context, nobody can understand our religions better than **Swamy Vivekananda**. If religion and worship are for the benefit of the soul, he said,
"The soul has neither sex nor caste nor imperfection"*

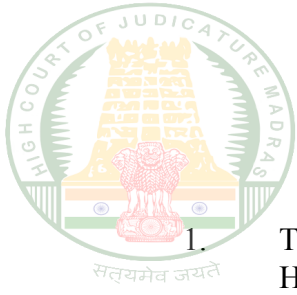
5. Before God, all persons are human beings and therefore, there cannot be any discrimination based on caste. Accordingly, the grievance of the petitioner cannot be entertained by this Court and cannot be countenanced, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

29.04.2025

Neutral Citation: Yes/No
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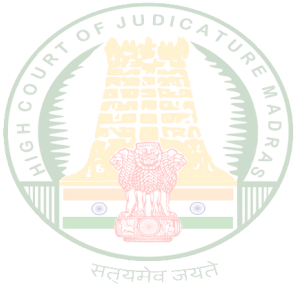
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D.BHARATHA CHAKRAVARTHY, J.

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