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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON :	30.04.2025
PRONOUNCED ON :	24.06.2025

CORAM:

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY

W.P.(MD)Nos.2277, 3703 & 2678 of 2025, 15565 & 23198 of 2023
and 8523/2017
and connected miscellaneous petitions

W.P.(MD)No.2277 of 2025:

M.Kannan @ Solai Kannan
S/o.R.Muthusamy

...Appellant

-Vs-

- 1) The District Collector,
Madurai District, Madurai.
- 2) The Commissioner of Police,
City Police Commissioner Officer,
Alagar Kovil Road, Madurai.
- 3) The Deputy Commissioner,
Hindu Religious & Charitable
Endowments Department (HR & CE),
Arulmigu Subramaniya Samy Temple,
Thiruparankundram, Madurai.
- 4) The Revenue Divisional Officer,



Thirumangalam,
Madurai District.

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- 5) The Officer Incharge,
The Archaeological Department,
Thirumayam, Pudukottai District.
- 6) The Inspector of Police,
Thiruparankundram Police Station,
Thiruparankundram, Madurai City.
- 7) The Tahsildar,
Thiruparankundram Taluk,
Madurai.
- 8) The Trustee,
Sikandar Badusha Avuliah Dargah,
Thiruparankundram, Madurai.

...Respondents

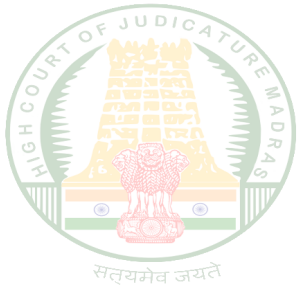
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents No. 1 to 7 to prevent the 8th respondent at any point of time from performing any form of animal sacrifice in entire Thiruparankundram Hill and also from serving food prepared by animal sacrifice based on the representation dated 16.01.2025, 17.01.2025.

For Petitioner : Mr.N.Sundaresan

For RR 1, 4 & 7 : Mr.Veera Kathiravan,
Addl. Advocate General
Assisted by Mr.P.Thilak Kumar,
Govt. Pleader

For R-3 : Mr.S.Manohar

For R-8 : Mr.Isaac Mohanlal, Senior Counsel
For Mr.B.Arun



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For RR 2 & 6 : Mr.S.Ravi, Asst. Public Prosecutor

For R-5 : Mr.K.Govindarajan,
D.S.G.I

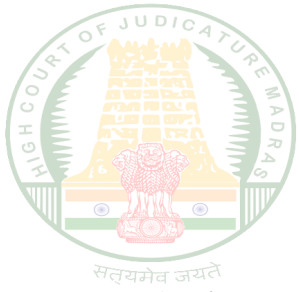
W.P.(MD)No.15565 of 2023:

A.P.Ramalingam,
State Organization Secretary,
Hindu Makkal Katchi,
Agila Bharatha Hanuman Sena
(Registered No.143.2018),
Thirukkulam 1st street,
Periya Ratha Veethi, Thiruparankundram,
Madurai 625 005

... Petitioner

-VS-

- 1) The Secretary to Government,
Hindu Religious and Charitable
Endowments Department,
Chennai.
- 2) The Commissioner,
Hindu Religious and Charitable
Endowments Department, Chennai.
- 3) The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Ellis Nagar, Madurai.
- 4) The District Collector,
Collectorate Campus,
Madurai District.
- 5) The Executive Officer,
Arulmighu Subramania Swamy Thirukovil,
Thiruparankundram, Madurai.



6) The Commissioner of Police,
O/o the Commissioner of Police,
Thamaraihotti,
K.Pudur, Madurai 625 007

7) The Inspector of Police,
Thiruparankundram, Town Police Station,
Thiruparankundram, Madurai 625 008

8) Sikkandar Badhusha Dharga,
Rep. by its Jamath Members,
Thiruparankundram,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents No. 1 to 7 to take necessary action as against the 8th respondent not to conduct prayer or any other gathering in Nellithoppu at Arulmighu Subramaniaswamy Thirukovil at Thirupparankundram, Madurai District, based on the petitioner's representation dated 13.05.2023 and 19.06.2023.

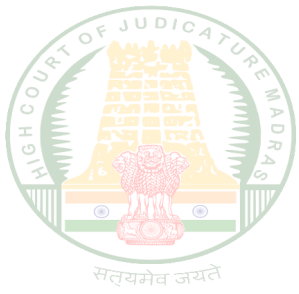
For Petitioner : Mr.Niranjan S Kumar

For RR 1 to 4 : Mr.Veera Kathiravan,
Addl. Advocate General
Assisted by Mr.P.Thilak Kumar,
Govt. Pleader

For R-5 : Mr.S.Manohar

For RR 6 & 7 : Mr.S.Ravi, Asst. Public Prosecutor

For R-8 : Mr.Isaac Mohanlal, Senior Counsel
For Mr.B.Arun



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W.P.(MD)No.8523 of 2017:

A.Abdul Jabbar

... Petitioner

-VS-

- 1) The Commissioner,
Hindu Religious and Charitable
Endowments Department, Chennai.
- 2) The District Collector,
Madurai District,
Madurai 20
- 3) The Commissioner,
Arignar Anna Maligai,
Madurai Corporation, Madurai 2
- 4) The Deputy Commissioner,
Arulmighu Subramania Swamy Thirukovil,
Thiruparankundram, Madurai – 5
- 5) The Assistant Commissioner,
Zone No.4,
Madurai Corporation, Madurai.
- 6) The Tourist Officer,
Tamil Nadu Tourism Development Corporation,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 01.05.2015 seeking for appropriate action to provide civic amenities such as proper road, street lights, drinking water supply and toilet in the interest of the public visiting the Dharka and Temple within the period that may



be stipulated by this Court.

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For Petitioner : Mr.H.Md.Imran,
For M/s.Ajmal Associates

For RR 1 & 7 : Mr.Veera Kathiravan,
Addl. Advocate General
Assisted by Mr.P.Thilak Kumar,
Govt. Pleader

For RR-3 & 5 : Ms.S.Deva Sena

For R-4 : Mr.S.Manohar

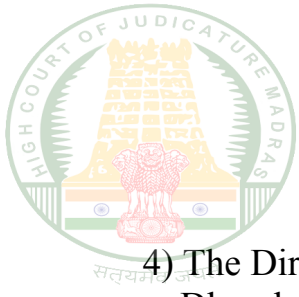
W.P.(MD)No.3703 of 2025:

Swasthi Shri Laxmisena Bhattarak
Bhattacharya Maha Swamigal
Sri Jina Kanchi Jain Mutt,
Mel Sithammur, Gingee Taluk,
Villupuram District

... Petitioner

-vs-

- 1) The State of Tamil Nadu,
Rep. by its Chief Secretary,
Secretariat, Chennai 600 009
- 2) The Principal Secretary,
Tourism, Culture and Religious Endowments Department,
Fort St. George, Secretariat,
Chennai 600 009
- 3) The Principal Secretary and Commissioner,
Department of Archaeology, Government of India,
Tamil Valarchi Valagam, Halls Road,
Egmore, Chennai 600 008



4) The Director General of Archaeological Survey of India,
Dharohar Bhawan,
24 Tilak Marg,
New Delhi 110 001

5) The Director General of Police and Head of Police force,
Radhakrishnan Salai Road,
Mylapore, Chennai 600 004

6) The Commissioner,
Hindu Religious and Charitable
Endowments Department, Chennai.

7) The District Collector,
Madurai District,
Madurai 20

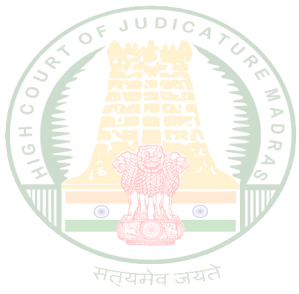
8) The Commissioner of Police,
Madurai City, Madurai.

9) The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department, Ellis Nagar,
Madurai.

10) The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for Writ of Declaration, declaring the Thiruparankudram Hill, Madurai District as “SamanarKundru” and to restore and maintain the said Hill as a site of national importance and desist from any act which are against the Jain principles and preachings.

For Petitioner : Mr.S.Sarvangan Prabhu



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For RR 1 to 3, : Mr.Veera Kathiravan,
6 & 7 Addl. Advocate General
Assisted by Mr.P.Thilak Kumar,
Govt. Pleader

For R-8 : Mr.S.Ravi, Asst. Public Prosecutor

For R-4 : Mr.K.Govindarajan,
D.S.G.I

W.P.(MD) No.2678 of 2025:

S.Paramasivam

... Petitioner

-VS-

- 1) The District Collector,
Madurai District
- 2) The Revenue Divisional Officer,
Thirumangalam,
Madurai District.
- 3) The Commissioner of Police,
Madurai City, Madurai.
- 4) The Inspector of Police,
Thiruparankundram Police Station,
Madurai.
- 5) The Deputy Commissioner/ Executive Officer,
Arulmighu Subramania Swamy Thirukovil,
Thiruparankundram, Madurai – 5
- 6) Hazarath Sultan Sikkandar Badhusha Avuliya Dargah,
Rep. by its Managing Trustee,
Thiruparankundram, Madurai – 5

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action to prevent/prohibit the illegal usage of the name of Thiruparankundram Temple Hillock as Sikkandar Malai and to prohibit any kind of animal sacrifice in any manner by anybody upon the hill area with a view to preserve and protect the sacred and holiness of the Hillock Thiruparankundram.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For RR 1& 2 : Mr.Veera Kathiravan,
Addl. Advocate General
Assisted by Mr.P.Thilak Kumar,
Govt. Pleader

For RR 3 & 4 : Mr.S.Ravi, Asst. Public Prosecutor
For R-5 : Mr.S.Manohar

For R-6 : Mr.Isaac Mohanlal, Senior Counsel
For Mr.B.Arun

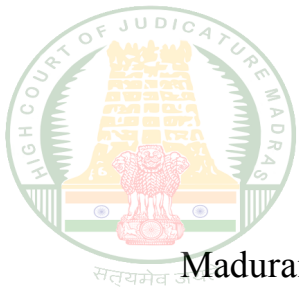
W.P.(MD) No.23198 of 2023:

Y.Ozeer Khan,
Senior Managing Trustee, Hazarath Sulthan
Sikkandar Badhusha Avuliya Dargah and Mosque,
Thiruparankundram, Madurai District.

... Petitioner

-VS-

- 1) The Commissioner of Police,
Madurai City, Madurai.
- 2) The Assistant Commissioner of Police,
Thiruparankundram,



Madurai.

- 3) The Inspector of Police,
Thiruparankundram Police Station,
Madurai.
- 4) The Assistant Commissioner cum Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmighu Subramania Swamy Thirukovil,
Thiruparankundram, Madurai – 5

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents 1 to 3 herein not to interfere the petitioner's day to day administration of Hazarath Sulthan Sikkandar Badhusha Avuliya Dargah and Mosque and consequently to direct them not to prevent the petitioner from carrying the renovation works and construction works in the place of the said Dargah and Mosque situated at the Top Hill of Thiruparankundram, Madurai on the basis of the petitioner's representation dated 17.08.2023.

For Petitioner : Mr.Isaac Mohanlal, Senior Counsel
For Mr.B.Arun

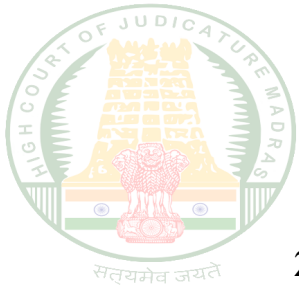
For RR 1 to 3 : Mr.S.Ravi, Asst. Public Prosecutor

For R-4 : Mr.S.Manohar

COMMON ORDER

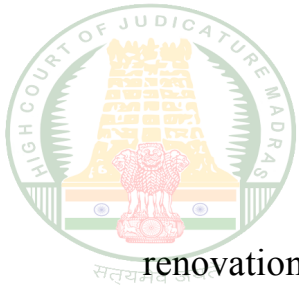
(Order of the Court was made by **J.NISHA BANU, J.**)

Since the issues involved in all these writ petitions are one and the same, they are disposed of by this common order.



2. Totally six writ petitions have been filed, out of which, two writ petitions, viz. W.P.(MD) Nos.2277 of 2025 & 15565 of 2023, are filed seeking for directions from the respondents concerned to prevent the 8th respondent/ Sikkandar Badhusa Dharga, rep. by its Jamath Members, Thiruparankundram, Madurai District, at any point of time, from performing any form of animal sacrifice in entire Thiruparankundram Hill and also from serving food prepared by animal sacrifice and not to conduct prayer or any other gathering in Nellithoppu at Arulmighu Subramaniaswamy Thirukovil at Thirupparankundram, Madurai District, based on their representations.

3. Meanwhile, writ petition in W.P.(MD) No.8523 of 2017 is filed by the petitioner therein to consider his representation dated 01.05.2015 seeking for appropriate action to provide civic amenities such as proper road, street lights, drinking water supply and toilet in the interest of the public visiting the Dharka and Temple. W.P.(MD) No.23198 of 2023 has been filed seeking for a direction from the respondents 1 to 3 therein, not to interfere the petitioner/Y.Ozeer Khan, Senior Managing Trustee, Hazarath Sulthan Sikkandar Badhusa Avuliya Dargah and Mosque, Thiruparankundram, Madurai District, day to day administration of Hazarath Sulthan Sikkandar Badhusa Avuliya Dargah and Mosque and consequently to direct them not to prevent the petitioner from carrying the

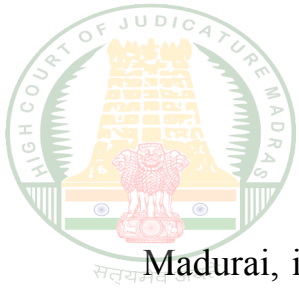


renovation works and construction works in the place of the said Dargah and Mosque situated at the Top Hill of Thiruparankundram, Madurai on the basis of the his representation dated 17.08.2023.

4. Whereas, W.P.(MD) No.3703 of 2025 is filed seeking for a Writ of Declaration, declaring the Thiruparankundram Hill, Madurai District as “Samanar Kundru” and to restore and maintain the said Hill as a site of national importance and desist from any act which are against the Jain principles and preachings and W.P.(MD) No.2678 of 2025 has been filed seeking for a direction to the respondents 1 to 5 therein, to take appropriate action to prevent/prohibit the illegal usage of the name of Thiruparankundram Temple Hillock as Sikkandar Malai and to prohibit any kind of animal sacrifice in any manner by anybody upon the hill area with a view to preserve and protect the sacred and holiness of the Hillock Thiruparankundram. Today, various miscellaneous petitions were filed to implead proposed respondents in W.P.(MD) Nos.2277/2025, 8523/2017, 23198 and 15565 of 2023 and all the petitions stand ordered.

5. A brief recital of the facts, as gathered from the pleadings and evidence on record, is set out hereunder:-

5.1. Sri Arulmigu Subramaniya Swamy Temple, Thiruparankundram,



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Madurai, is a famous cave temple and the first Arupadai Veedu of Lord Muruga and Hindus offer their prayers for Lord Muruga. Located in the north side of the Hill, this cave temple is believed to be constructed around 8th Century B.C. by the Pandia Kingdom. On the top of the Hill, there is Kasi Viswanatha Temple, Deepam Thoon, Sthala Viruksha Kallati tree. On the middle part of the Hill, called as Thenparankundram, there is Umai Andavar Cave Temple and 11 Theerthakulam. On the south side, Samanar culverts and caves are situated. The entire administration of Arulmigu Subramaniya Swamy Temple including all the deity including Kasi Viswanathar Temple are administered by temple Administrator - Tami Nadu Hindu Religious & Charitable Endowments Department. Whereas on the top side of the Hill, a place called Sikkandar Badusa Dargah is situated. While the Hindu Organization, terms it as "Skanda Malai", the Muslim Organization terms it as "Sikkandar Malai" and the Jain Community terms it as "Samanar Kundru" and the local people term it as "Thirupparangundram Malai".

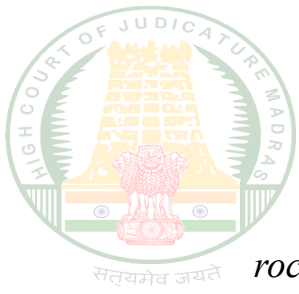
5.2. According to the petitioner in W.P.(MD) No.2277 of 2025, during the month of January 2025, the Trustee of Sikkandar Badusha Dargah has announced and published notices and also distributed pamphlets stating that on 18th January 2025, a function namely "Samabandhi feast" is going to be organized



by way of animal sacrifice by cutting goat and hens, in order to bring communal harmony. It is the further contention made by the learned counsel for the petitioner that the Hindu devotees, who are residing in and around the Thiruparankundram Hill area, were totally shocked and mentally disturbed on hearing such announcement made by Hazrat Sulthan Sikandar Badusha Dargah Administrator and also by the pamphlets distributed by the said Dargah calling "Thiruparankundram Hills" as "Sikkandar Malai". Aggrieved against the same, representation to respondents 1 to 7 therein was made by the petitioner, in order to prevent such animal sacrifice. Hence, the writ petition.

5.3. In order to avoid third party claims and to recognize the right of Arulmigu Subramaniya Swami Temple, Thiruparankundram, the Temple itself has preferred a suit in O.S.No.4 of 1920 on the file 1st Additional Sub-Judge, Madurai against the State and others including Sikandar Badusha Avuliah Dargah seeking declaration, injunction and for possession. The relevant portion of the decree is extracted hereunder:

"(1) That the Plaintiff is the owner and has been in possession of the whole of Tirupparankundram hill and the Ghiri Veedhi, in the manner alleged excepting assessed and occupied lands, the Nellitope, including the new mantapam, the flight of steps leading from the Nellitope up to the mosque and the top of the



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rock on which the mosque and the flagstaff of the Mahammadans stand;

(2) that the Mahammadan /defendants 3 to 5 and 7 to 13 are owners and are in possession of the Nellitope with all that it contains, the flight of steps mentioned above, the new mantapam and the whole of the top of the hillock on which the mosque and the flagstaff stand;

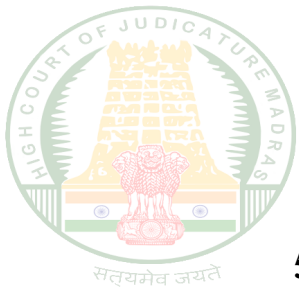
(3) that the mantapam referred to in paragraph III (d) of the plaint is a new one put up the site of an old one as contended by the Muhammadans;

(4) that the Kasiviswanathaswamy temple and Theertham belong to Plaintiff;

(5) that the Ghiri Veedhi and other streets referred to in paragraph III(a) of the plaint are vested in the 2nd Defendant, that the Plaintiff is not entitled to Sannadhi streets, but is entitled to the Ghiri Veedhi subject to the rights of the 2nd Defendant under the Madras Local Boards Act; and

(6) that the Plaintiff is entitled to the trees on the sides of the Ghiri Veedhi and on the hill excepting such as belong to private owners.

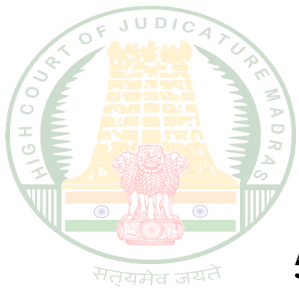
And it is ordered and decreed that the Defendants be prevented by an injunction from interfering suit the Plaintiff's possession of the properties decreed above. And Exhibits FF shows that the entire hill is worshipped as "Linga" and it is a Government Order.No.95, dated 08.02.1909."



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5.4. Aggrieved against the above decree passed by the learned 1st Additional Subordinate Judge, Madurai, first appeal was preferred by Sikandar Badusha Avuliah Dargah in A.S.No.34 of 1924 before this Court and in the said first appeal, cross appeal was filed by the Government and this Court vide Judgment and Decree dated 04.05.1926 was pleased to dismiss the first appeal and allow the cross appeal preferred by the Government. As against the same, Arulmigu Subramaniya Swami Temple, Thiruparankundram preferred an appeal before the Privy Council in P.C.Appeal.No.5 of 1930 and the Hon'ble Privy Council restored the judgment of the Trial Court vide Judgment dated 12.05.1931. The operative portion of the said order is extracted hereunder:

“On the whole their Lordships are of opinion that the appellant has shown that the unoccupied portion of the hill has been in the possession of the temple from time immemorial and has been treated by the temple authorities as their property. They think that the conclusion come to by the Subordinate Judge was right and that no ground has been shown for disturbing his decree. They will therefore humble advise His Majesty that this appeal should be allowed, that the decree of the High Court dismissing the appellant's suit should be set aside and that the decree of the Subordinate Judge dated the 25th August, 1923, should be restored. The Secretary of State must pay the appellant's costs in the High Court and before this Board.”



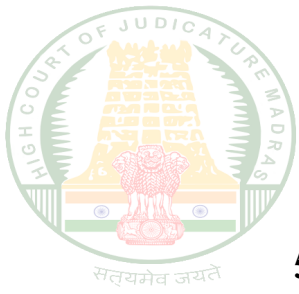
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5.5. It is the contention raised by the learned counsel for the petitioner in W.P.(MD) No.2277 of 2025 that even after passing of Judgment by the competent civil court and confirmed by the Privy Council, third parties are claiming right under Sikandar Badusha Avuliah Dargah and also caused damages to the holy hill by cutting rocks, which was immediately prevented by Arulmigu Subramaniya Swami Temple, Thiruparankundram with the help of police officials. A suit in O.S.No.111 of 1958 was filed on the file of the learned Subordinate Judge, Madurai praying for injunction and for damages and the said suit was dismissed by Judgment and Decree dated 02.12.1959 by stating that exact location was not assessed. The operative portion of the Decree is extracted hereunder:

"1. that the defendants, their agents, servants and men be and hereby are restrained by a permanent injunction from cutting stones from any rock outside Nelli Tope and assessed and occupied area as described in the prior judgment in O.S.No. 4/1920;

2. that the exact location and the extent of the property viz., Nelli Tope and assessed and occupied area be determined in a fresh suit and that this decree will not operate as res judicata;

3. that in other respects the suit be and hereby is dismissed;"



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5.6. Aggrieved by the said Judgment and Decree passed in O.S.No.111 of 1958, the Temple again preferred first appeal in A.S.No.90 of 1960 on the file of learned District Judge, Madurai and the said first appeal judgment and decree passed by the trial court was modified vide judgment and decree dated 18.07.1961. The operative portion of the decree is extracted hereunder:

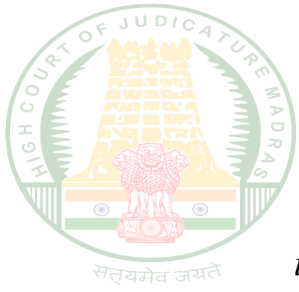
“ In the place of the present clause 2, the following clause be substituted as clause 2 in the decree of the lower court:-

'2) that the exact location and extent of the property viz., Nellitope and assessed and occupied areas, be determined by issue of a survey-knowing commission, as far as possible, acceptable to both sides, in execution, so that clause 1 supra may be respected by the defendants, and duly enforced and implemented.'

5.7. Subsequently, Arulmigu Subramaniya Swami Temple, Thiruparankundram had filed E.P.No.163 of 1962 in O.S.No.111 of 1958 and in the execution, proceedings, the following order dated 24.04.1965:

“1. that the permanent injunction granted to the petitioner/plaintiff in this suit, shall not operate as regards the Nellitope including the pond:

2. that the respondents/defendants shall have a right of way to the pond from the flat space with trees and tombs



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indicated in the 'C' sketch, attached hereto;”

5.8. At one point of time, when the persons claiming right under Sikandar Badusha Avuliah Dargah made an attempt to construct a wall obstructing water flow, through telegraph mode of communication, objections were raised by Arulmigu Subramaniya Swami Temple, Thiruparankundram and those obstructions were removed thereafter. In order to avoid similar activities Arulmigu Subramaniya Swami Temple, Thiruparankundram preferred a suit in O.S.No.506 of 1975 on the file of learned Subordinate Judge, Madurai and the said suit came to be dismissed vide Judgment and Decree dated 22.11.1978, as the schedule mentioned property is not completely vested with Arulmigu Subramaniya Swami Temple, Thiruparankundram. It was further observed that the materials dumped by the persons claiming right under Sikandar Badusha Avuliah Dargah were removed by way of raising objections through the telegraph mode of communications made by the Arulmigu Subramaniya Swami Temple, Thiruparankundram. Aggrieved over the findings given by the trial court, which is contrary to the judgment passed by the Privy Council, Arulmigu Subramaniya Swami Temple, Thiruparankundram preferred first appeal in A.S.No.39 of 1980 on the file of learned Additional District Judge, Madurai and in the said first appeal, judgment and decree passed by the trial court was set aside by order

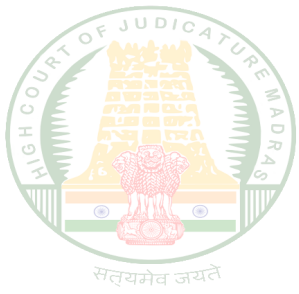


passed in I.A.No.22 of 1981 and in view of the same Arulmigu Subramaniya Swami Temple, Thiruparankundram was permitted to withdraw the suit with a liberty to file fresh suit on the same cause of action by judgment and decree dated 17.03.1981.

5.9. In the year 2000, when there was an attempt made by the Dargha to put up constructions and Lights in the Hill, the Temple Administration filed a Suit in O.S.No.39 of 2000, which got transferred and renumbered as O.S.No.447 of 2004 on the file of the Learned District Munsif, Thirumangalam as against the said Dargha and the Executive Officer of the Local Town Panchayat, seeking a Permanent Injunction to restrain them from in any manner putting up any construction or from lighting works in the hill, which was described as a suit property. The said suit was decreed by judgement and decree dated 19.04.2011 with the following observations:

" i. The first defendant is hereby restrained from putting up any construction and lighting work in the property belonging to the plaintiff as per the decree in O.S.No. 4 of 1920.

ii. Defendants are hereby restrained from putting up any construction and lighting work in the flight of steps from the bottom of the hill to the top of the hill.



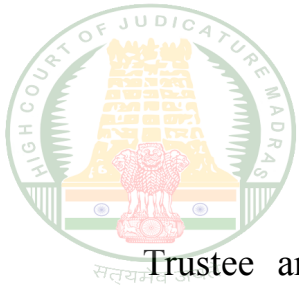
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iii. The plaintiff is hereby directed to install the electric posts in the flight of steps from the bottom of the hill to the top of the hill at their own cost and to maintain the installations and the steps for the effective use of public.

iv. The first defendant is entitled to do with measures in the property belonging to the plaintiff with the permission, if any granted by the plaintiff."

5.10. Aggrieved by the above third(iii) direction, which was in the nature of a mandatory injunction directing the temple administration to install electric posts, the temple had filed an appeal in A.S.No.173 of 2011 before the learned Subordinate Judge, Thirumangalam and the said first appeal was partly allowed by modifying the third direction in the trial court decree, by observing that, “from the foot of the hill to the Nellithope, with the permission of the temple, the first defendant local panchayat is directed to provide electricity connection by installing electrical lamp posts and from Nellithope to Dargha the second defendant Dargha was entitled to maintain electricity at their costs”, with the permission of the temple vide, judgment and decree dated 29.04.2012.

5.11. In the meanwhile, the persons claiming to be the Managing



Trustee and President of the Sulthan Sikkandar Badhusa Avuliya Dharga, Thirupparankundram claimed that Thirupparankundram Municipality prepared a Tourism Development Scheme 2006-2007. After estimation, the Tourism Officer, in turn has addressed a letter to the Government. Against the same, the above persons again preferred a writ petition in W.P.(MD).No.11556 of 2008 challenging the communication and praying for consequential relief directing the Tourism officer to implement the Thirupparankundram Municipality Tourism Development Scheme 2006-2007 submitted by the Municipality within stipulated time. The said writ petition came to be dismissed by this Court vide order dated 10.12.2009.

5.12. Subsequently, one more attempt was made by a person claiming to be the Trustee of Sikandar Badusha Avuliah Dargah, by erecting flag over the top of Dharga beyond the permitted place and the same came to be rejected by the authority. Challenging the same, one Y.Ozeer Khan preferred writ petition in W.P.(MD).No.11001 of 2021 praying for a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Peace Committee Proceedings before the second respondent in Na.Ka.No.1369/2021/AI dated 25.06.2021 and to quash the same as illegal and for a further consequential direction to the respondent Nos.1, 3, 5 and 6 to initiate appropriate legal action against the persons, who wantonly and willfully furnished false complaint before the



respondents, with an intention to infringe the right to worship and customary rites followed by the petitioner's Dharga and for other reliefs.

5.13. In reply to the same, the Temple had filed a detailed counter narrating all the pre-history and further stated that the disputed Flag Staff is not located in the site which was recognised by the earlier judicial proceedings. If the petitioner therein is putting up the Flagstaff in the place where the right of the Sikandar Badusha Avuliah Dargah has been recognised, they can have no objection in that matter. In short, according to them, there was a Flagstaff between Dharga and Mosque. But the petitioner therein tried to put up a new Flagstaff away from the area near the tree and therefore, the dispute arose in the year 2011. At that time, a Peace Committee Meeting was convened and it was mutually agreed to the effect that as has been practised in the previous years, since the Flagstaff has become damaged, a wooden Flagstaff can be put up as a temporary measure near the old Flagstaff and the flag must be hoisted.

5.14. After considering the entire pre-history and the contentions made on the either side, this Court dismissed the said writ petition in W.P. (MD).No.11001 of 2021 vide order dated 04.08.2021. It is the contention of the learned counsel appearing for the petitioner in W.P.(MD) No.2277 of 2025 that



Sikandar Badusha Avuliah Dargah and persons claiming right under them have lost before the Civil Court, and they are making illegal attempts to grab the property of Arulmigu Subramaniya Swami Temple, Thiruparankundram, which has been prevented by temple administration.

5.15. According to the learned counsel appearing for Social Democratic Party of India, the writ petitions in W.P.(MD) Nos.2277 & 2678 of 2025 & 15565 of 2023 are not maintainable. By way of those writ petitions, the petitioners therein seek interference with religious rights protected under Article 25 and 26 of the Constitution of India. According to the learned counsel, it is a settled law that members of one religion have no locus standii to challenge or interfere with the religious practices of another faith as held in *Sardar Syedna Taher Saifuddin Saheb v. State of Bombay*, reported in AIR 1962 SC 853. Furthermore, the petitions amount to a clear violation of the Place of Worship (Special Provisions) Act, 1991, which prohibits alteration of the religious character of places of worship as they existed on 15.08.1947.

5.16. When the ownership and possession rights of the Muslim community over the Dargah premises and Nelli Thoppu area have been judicially



recognized in O.S.No.4 of 1920 on the file of Subordinate Judge, Madurai and confirmed by the Privy Council Appeal No.5 of 1930 (AIR 1930 PC 212), wherein the findings confirm that while the Temple owns the Hill generally, the Dargah community retains ownership and possession of the Nelli Thoppu, the mosque, flagstaff, and associated areas. This judgment is final and binding between the parties. Moreover, according to the learned counsel rituals such as Kanthoori animal sacrifices, tonsuring, and communal feasts have been continuously observed without interruption for centuries. These practices involve broad community participation, including members of the Hindu community who assist in the rituals, demonstrating interfaith communal harmony.

5.17. It is the main contention of the learned counsel for the impleading petitioner that the filing of the above writ petitions is motivated by communal animosity, as evidenced by (i) Distortion of historical judgments, (ii) suppression of established religious rights and (iii) Malicious portrayal of peaceful religious practices as threats. He also drew the attention of this Court to the judgment of the Hon'ble Supreme Court in *Ashwini Kumar Upadhyay v. Union of India* , in which the Apex Court has directed courts to exercise caution against entertaining disputes that attempt to alter the religious character of places of worship.

5.18. The Tamil Nadu Animals and Birds Sacrifices Prohibition Act,



1950 was repealed in 2004 by Tamil Nadu Act 20 of 2004. As on date, there is no statutory bar against the traditional practice of animal sacrifice at religious places in Tamil Nadu. Moreover, the Dargah is located on the southern side peak of the Thirupparankundram Hill, while the Subramaniya Swamy Temple and Kasi Viswanathar Temple are situated at different locations. Thus, no religious practices of one community impinge upon the scared spaces of another.

5.19. The common counter affidavit filed by the District Collector infers that as regards to the averment made in W.P.(MD) No.15565 of 2023, wherein the petitioner therein has given a representation on 13.05.2023, stating that he was aggrieved over the conducting of Namaz on 22.04.2023 in the pathway to the temple at Nellithoppu. On 19.06.2023, the petitioner has given a representation with the same averment. On 22.06.2023, a Peace Committee meeting was conducted before the Revenue Divisional Officer and a compromise decision was arrived at and the same is being followed now. Therefore, there is no cause of action that survives as on date as the grievance of the petitioner therein was duly addressed by the appropriate authorities.

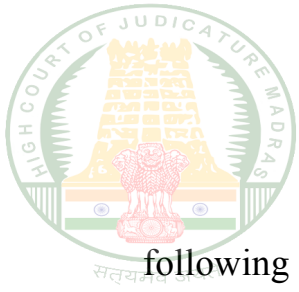
5.20. As regards the averment made by the petitioner in W.P. (MD) No. 8703 of 2017 pertaining to the lack of civic amenities, it can be observed that the petitioner gave a representation on 01.05.2015 and filed a writ petition in



March 2017. The complaints raised by the petitioner in regard to lack of civic amenities have not been received by the Authorities from any other quarters. For the convenience of the pilgrims, the authorities have constructed shelters on the footsteps towards the temple and erected solar panel with lights on both sides of footsteps at the Hills. Since only limited access is available for the general public to the above said places, no complaint in this regard has been received from any other quarters by the Authorities. Therefore, no cause of action survives now as the grievance has been duly resolved by the authorities concerned.

5.21. As regards the prayer in W.P (MD) No. 3703 of 2025 for declaring the Thirupparankundram Hill as "Samanar Kundru", it is submitted by the Mr.Veera Kathiravan, learned Additional Advocate General, assisted by Mr.P.Thilak Kumar, learned Government Pleader that the prayer is not feasible of compliance as of now, as the petitioner has scant right over the Hill and so also a litigation on this subject is pending before the Hon'ble Supreme Court of India.

5.22. With regard to the prayer in W.P.(MD)No.2277 of 2025 and W.P. (MD) No. 15565 of 2023, it is submitted by the learned Additional Advocate General, that the respondent took all possible steps for maintaining religious harmony among all religious groups and also as the Head of the District Administration acted with the sole objective of maintaining public order after



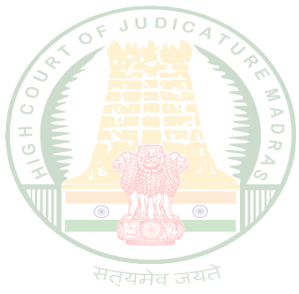
following the due process of Law. Moreover, on behalf of members of all political parties in Thirupparankundram village a representation was submitted before the District Collector on 27.01.2025 requesting to ensure continuance of the status quo with regard to celebration of festivals by either parties and also to take action against persons responsible for causing unrest among the people residing in Thirupparankundram area. Accordingly, a peace committee meeting was conducted by the Revenue Divisional Officer, Tirumangalam in-charge on the afternoon of 30.01.2025 and representatives of all political parties participated in the meeting and the participants unanimously stated that they will not permit persons from outside to create problems in the area as the Hindus and Muslims are following only the tested way of worship in their respective areas and they have also signed in the minutes drawn by the Revenue Divisional Officer, Tirumangalam in-charge.

5.23. Moreover the practice of animal sacrifice and consumption of the same as a form of worship exists in the Sikandar Dargah on the top of the hill as a tradition and is followed by the Mohammedans. The same practice of animal sacrifice is also followed in the temples which are located around the Thiruparankundram hill such are Arulmigu Pathinetampadi Karupasamy Thirukovil, Arulmigu Pandimuneeshwarar Thirukovil, Malayandi Karupaswamy Thirukovil and other Muniyappan Temples. Further, there is also Jain temples



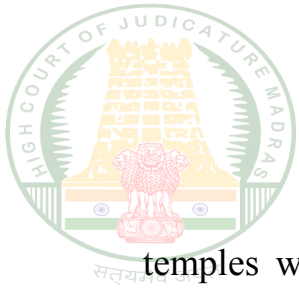
located in the Thiruparankundram hill. On the strength of the said report, the persons who had participated in the meeting such as all the political parties and also general public agreed to follow the same procedures which are prevalent by all the religions.

5.24. The learned Additional Advocate General also drew reference to Section 3 of the Places of Worship (Special provisions) Act, 1991, which bars the conversion of places of worship. According to that section, no person shall convert any place of worship of any religious denomination or any Section thereof into a place of worship of a different section of the same religious denomination or of a different religious denomination or any section thereof. Section 4 of the said Act says that the religious character of a place of worship existing on the 15th day of August 1947 shall continue this matter. In this connection, on 12.12.2024, the Hon'ble Supreme Court of India has issued a direction barring all the lower Courts across the country from registering new suits or initiating proceedings that challenge the ownership and title of any place of worship and as the Bench of the Hon'ble Supreme Court of India has also prohibited ordering survey of disputed religious sites until further notice. The Hon'ble Supreme Court of India has deferred the hearing of the pending case under the Places of Worship Act, 1991 to April 2025.



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5.25. Mr.S.Ravi, learned Assistant Public Prosecutor appearing on behalf of the Commissioner of Police, Madurai, submitted the counter affidavit. A perusal of the same would infer that on 25.12.2024, when 21 persons of the Muslim Community under took a trip to the Thiruparankundram Hill top for performing their religious vows by sacrificing the goat, based on a complaint, they were halted at the bottom of the hill and a case was registered against them in Thiruparankundram Police Station in Crime No. 823 of 2024 under Sections 189(2), 126(2), 296(b), 292, 132 of BNS, 2023 and they were released after arrest and the investigation is in progress. Further, the leaders of the Muslim Community gave a petition requesting to conduct "Santhanakoodu Festival" on 17.01.2025 in the Dharga at the top of the hill. In reply to the same, the Hindu Organization gave a representation requesting not to allow animal sacrifice in Dharga as the Thiruparankundram Hill is considered as a sacred place for the Hindus. In order to settle the dispute that existed between the two religious groups on the right over the hill, a meeting was convened by the Revenue Divisional Officer, on 30.01.2025. After the meeting, the District Collector had sent a report stating that the practice of animal sacrifice and consumption of the same as a form of worship exists as a tradition and is followed by the Mohammedans. The District Collector also pointed out that the practice of animal sacrifice in the



temples which are located around the Thiruparankundram hill such are Alagar Kovil, Arulmigu Pathinetampadi Karupasamy Thirukovil, Arulmigu Pandimuneeshwarar Thirukovil, Malavandi Karupaswamy Thirukovi and other Munivappan Temples. Further, there is also Jain temples located in the Thiruparankundram hill. On the strength of the said report, the persons who had participated in the meeting such as all the political parties and also general public agreed to follow the same procedures which are prevalent by all the religions.

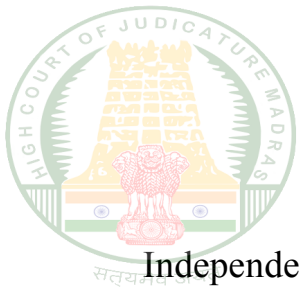
5.26. The learned Assistant Public Prosecutor submitted that one Paramasivam, aged 71 years, a permanent resident of the Thiruparankundram area for years together has given a statement under Section 180(3) BNSS 2023. He has stated in his statement that his father had been doing the work of goat skinning and dressing besides farming and he was also assisting his father both in farming and in goat skinning and Dressing. He has also stated that to fulfil their Religious Vow, Muslims from out stations also come to the Sikkandar Dharga at the top of the Thiruparankundram hill and to perform the work of goat skinning and dressing they will call for my father only through Dharga Jamath. He has stated that his father after doing the goat skinning and dressing work at the hill top, he will return with the head, leg, liver and skin of the Goat, as wages for the said work. He has also stated that not only Muslims but people of other religions too will come to the Sikkander Dharga at the top of the hill for goat skinning and



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dressing and after cooking they had their foods there itself. He has stated that after the demise of his father, he is being invited for doing goat skinning and dressing work. He has stated that he has done the work both at the top of the hill and the bottom of the hill. Thus, he has stated that from the day of the remembrance of his childhood, even while he was assisting his father, he has the knowledge that for fulfilling their religious vows not only Muslims but other religious people also come from outstations to the Dharga at the top of the hill and himself and his father had been performing the work of goat skinning and dressing for years together.

5.27. Mr.K.Govindarajan, learned Deputy Solicitor General of India, appearing on behalf of the Archaeological Department filed his counter affidavit, wherein it has been stated that that there are two protection notifications- (i) Cavern with Panchapandava beds on western slopes of the hills and similar beds behind the Sikkandar Mosque on the top and (ii) Rock-cut Cave and Inscriptions on the southern side of the Tiruparankunram Rock. These protection notifications declare the entire Thiruparankundaram Hillock, comprising a total land area of 172.70 acres, as protected vide notification No.43 dated 20.02.1923 and No.474 dated 01.09.1908 respectively, under the provisions of the Ancient Monuments preservation Act, 1904. It is further stated that after India's



Independence, a new Act namely the Ancient Monuments and Archaeological Sites and Remains Act 1958 came into force, and now, provisions of the Act of 1958 shall be applicable on these protected monuments.

5.28. According to the learned Deputy Solicitor General of India, there are no religious activities reported in the above said two protected monuments as per office records . Moreover, he stated that in general, animal sacrifice is not a practice in mosques or dargah. Therefore, the question of permitting animal sacrifice at Sikkandar Dargah does not arise, and if it is a practice being followed at this place, it has to be treated as unauthorized and violative of law. It is pertinent to mention here that the so-called 'Sikkandar Badusha Dargah is mentioned as Sikkandar Mosque in the Gazette Notification placed at Annexure. Therefore, conversion of mosque to dargah is also not authorized.

5.29. Further, the learned Deputy Solicitor General of India, submitted that the Archaeological Survey of India(ASI), Trichy Circle had approached the District Collector and ATC, Madurai to obtain permission and No Objection certificate (NOC) respectively. Application was submitted to Digital Sky for 15.02 2025, which was later rescheduled for 21.02.2025. However, ASI received the said permission on 20.02.2025 Necessary NOC was accorded by ATC obtained from Airport Authority of India along with the Standard Operating Procedure to



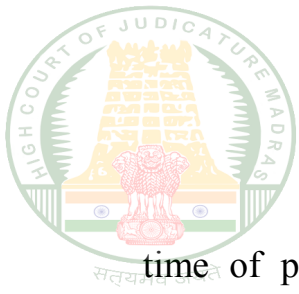
operate the drone in the red and yellow zones of Madurai ATC. In this regard, two teams (including Drone Pilot) were engaged by ASI Trichy Circle for the drone documentation process. The teams reached to the site on 21.02.2025. However, representatives of Respondent 1 and Respondent 2 obstructed the drone survey. Therefore, the permission obtained from AAI lapsed as the District Collector did not allow ASI to conduct the drone survey.

5.30. The learned Deputy Solicitor General of India further submitted that on 31.08.2024, an outsourced labour at the monument had informed Conservation Assistant, Tirumayam (herein after as CA, Tirumayam) about some unauthorized activities including application of green enamel paint on the walls of the rock surface of one of the Jain Beds behind Sikkandar Mosque. The outsourced labour also reported of being threatened by people at the Mosque area. On 04.09.2024 the CA, Thirumayam accompanied by Deputy Superintending Archaeological Engineer of ASI, Trichy Circle investigated the issue on ground and lodged a written complaint with the Inspector of Police, Tiruparankunram Police Station. The written complaint was filed vide letter No.1/TPK/TMY/2024-25/Camp Tiruparankundram, dated 04.09.2024. The Tiruparankundram Police Station, Tiruparankundram, Madurai District filed an FIR vide No.37 only on 20.01.2025. After the FIR was lodged, a team of officials



of ASI Trichy Circle inspected the above monument along with the officials of the Science Branch of ASI and carried out the procedure of carefully removing enamel paint applied on the surface of the protected sites. In continuation, ASI Trichy Circle requested the Commissioner of Police, with a request to give suitable direction to the authority concerned to file a supplementary FIR against the accused for "act of decreation of a national monument and disturbing harmony between different communities".

5.31. The report submitted by the Hindu Religious and Charitable Endowments (HR & CE) Department infers that this Court, vide its order dated 28.06.2023 directed HR & CE Department to file a report, wherein it has been submitted that on 29.06.2023, police protection was given to foot hill and to Nellithopu in the top of the Hill. It is further submitted that as per the Peace Committee meeting held on 22.06.2023, the temple administration kept a Flex Board that prayer is to be conducted without hindrance to the public going through the pathway and the Dargha Committee objected the same and hence the flex was removed. On 29.06.2023, prayers were conducted during the morning hours, totally 113 Muslims participated in the said prayer, among them 13 persons belonged to State of Bihar as per police information and pathway to Arulmigu Kasi Viswanathar Temple was kept free for public movement. At the



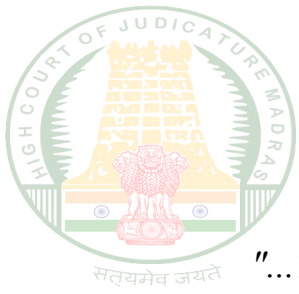
time of prayer, police officials, Temple officials and Revenue officials were present.

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6. Heard the learned counsel appearing for the petitioners and the officials respondents and perused the entire materials placed before this Court.

7. It is an admitted fact that the Thiruparankundram Hill houses the ancient Subramaniya Swamy (Murugan) Temple, one of the six Aaru Padai Veedu, the Sikandar Badusha Dargah, a smaller Muslim shrine and also Jain temples. As stated above, the dispute regarding the rights of the Arulmighu Subramaniya Swamy Temple Devasthanam, Thiruparankundram, was adjudicated vide Suit in O.S.No.4 of 1920 on the file of the 1st Additional Subordinate Judge, Madurai and the same was also confirmed by the judgment of the Privy Council which affirmed that the “whole of Thiruparankundram Hill, except the 33 cents, belong to Lord Murugan” vide judgment dated 19.05.1931 in P.C.Appeal No.5 of 1930.

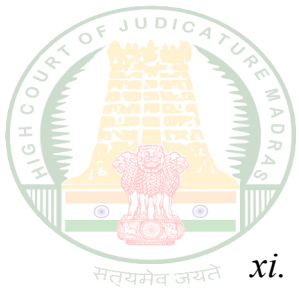
8. The Civil Court has not only recognised the rights of both the parties with regard to the places of the worship in the Hills but also has defined the rights, in an elaborate judgment running to 74 pages framing and answering the following issues:-



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"...7. The issues framed by the Subordinate Judge of Madura are:-

- i. Whether the plaintiff is entitled to all or any of the suit properties and has been in possession of all or any of them in the manner alleged in the plaint?*
- ii. Whether the plaintiff, 1st defendants 3 to 5 and 7 to 10 are the owners of the hill in disputes?*
- iii. Whether the defendants 3 to 5 and 7 to 10 are in possession and enjoyment of the hill for more than the statutory period of limitation and thus acquitted ownership in the said hill by 7 prescription?*
- iv. If not whether defendants 3 to 5 and 7 to 10 are entitled to the easements and rights referred to in para 25 of their written statement over the said hill?*
- v. Whether the mantapam referred to in para III (d) of the plaint is a newly erected one or only a renovated one built on the basement of an old one situated in the same place?*
- vi. Whether the plaintiff has any right to the Kasiviswanatha Swamy temple situated in the said hill?*
- vii. Whether the Giri Veedhi and other streets referred to in para II-(a) of the plaint belong to the plaintiff or to defendants 1 and 2?*
- viii. Whether the plaintiff is stopped from asserting his title for the reasons stated in paragraphs 9 and 10 of the 1st defendant's statement?*
- ix. Whether the suit is barred by adverse possession of the 1st defendant as stated in para 11 of the statement?*
- x. Whether the suit is not maintainable for the reason stated in para 122 of the 1st defendant's statement?*



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xi. Whether the suit is not properly valued?

xii. Whether the plaintiff is entitled to any declaration, injunction or possession as prayed for in respect of all or any portion of the suit properties?

xiii. What relief is the plaintiff entitled to?

xiv. Whether the plaintiff is debarred from questioning the entries in the Settlement Registers regarding the suit properties and from claiming them for the reasons stated in para 4 of the 1st defendant's written statement?

xv. Is the suit bad for misjoinder of parties and causes of action?"

9. It is also seen that in a subsequent suit filed in O.S.No.111 of 1958 dated 02.12.1959 filed by the temple, the following decree was passed:

"1. that the defendants, their agents, servants and men be and hereby are restrained by a permanent injunction from cutting stones from any rock outside Nelli Tope and assessed and occupied area as described in the prior judgment in O.S.No. 4/1920;

2. that the exact location and the extent of the property viz., Nelli Tope and assessed and occupied area be determined in a fresh suit and that this decree will not operate as res judicata;

3. that in other respects the suit be and hereby is dismissed."

and the same was modified by an Order passed in A.S.90/1960 dated 18.07.1961 by the District Judge, Madurai which is as under:-

"In the place of the present clause 2, the following clause



be substituted as clause 2 in the decree of the lower court:-

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'2) that the exact location and extent of the property viz., Nellitope and assessed and occupied areas, be determined by issue of a survey knowing commission, as far as possible, acceptable to both sides, in execution, so that clause 1 supra may be respected by the defendants, and duly enforced and implemented.'

and in the execution petition in EP. No.163 of 1962 which was filed and an Order was passed on 24.04.1965 and the same is extracted as under:

"1.that the permanent injunction granted to the petitioner/plaintiff in this suit, shall not operate as regards the Nellitope including the pond:

2. that the respondents/defendants shall have a right of way to the pond from the flat space with trees and tombs indicated in the 'C' sketch, attached hereto;"

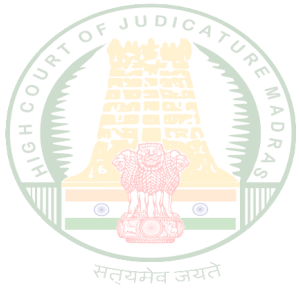
10. As such, the Civil Courts have determined the rights of the Arulmigu Subramaniya Swamy Temple and the Sikkandar Badhusha Avuliya Dargah, Thiruparankundram, Madurai, which is traceable to the Hindus and the Mohammedans. Therefore, there is no issue regarding the location of the places of worship, the associated revenue or the right of access belonging to both the religions in Thiruparankundram Hill. Since the matter has attained finality during the earlier years of the past century, this Court is not inclined to interfere with the



same, with a view to preserve interfaith peace and amity, safeguarding secular coexistence and also to uphold the spirit of religious tolerance and unity among the people of the State. In view of the specific findings rendered to the rights of the Mohammedans in Nellitope, as reflected in the Judgement and Decree of the Trial of the Court in O.S.No.4 of 1920 of the 1st Additional Subordinate Judge, dated 25.08.1923 and also in E.P.No.163 of 1962 dated 24.04.1965 of the Subordinate Judge, Madurai, W.P.(MD)No.15565 of 2023 is liable to be dismissed.

11. Given that ritual animal sacrifices are traditionally performed in multiple Hindu temples across the Madurai region, a blanket prohibition would amount to discriminatory enforcement. Animal Sacrifice, being an established religious practice, is observed not only in the Dargah but also in several hindu Temples across the country, and therefore the same cannot be selectively banned. The counter affidavit filed by the District Collector also corroborates this position. Even the District Collector has referred to the report sent after the Peace Committee Meeting held by the Revenue Divisional Officer on 30.01.2025, which confirms the continuation of the said practice. The relevant portion of the Peace Committee Report is as follows:-

“இந்த தார்காவில் குடும்பமாய் சில மாதங்களுக்கு ஒரு முறையென

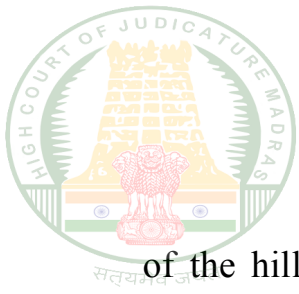


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முறைப்பணி செய்து வருகிறார்கள். இந்த தர்காவிற்கு வருபவர்களின் வேண்டுகோள்கள் நிறைவேறும் பட்சத்தில் ஆடு, கோழி பலியிட்டு (கந்துரி) சமைத்து படையல் இட்டு அனைவருக்கும் பரிமாறி சாப்பிடுவார்கள். இவ்வாறு திருப்பரங்குன்றம் நகரை சேர்ந்த இரு சமூகத்தினருக்கும் ஏற்கனவே உள்ள வழிபாட்டு நடைமுறைகளை தொடர்ந்து பின்பற்றவும், எங்களிடையே இந்த நடைமுறையில் வெளிநபர்கள் யாரும் தலையிட்டு குழப்பம் ஏற்படுத்துவதை அனுமதிக்கமாட்டோம் எனவும், அனைவரும் ஏகமனதாக தெரிவித்துக் கொள்கிறோம்.”

Hence, it is evident that the animal sacrifice in the Dargah located at Thiruparankundram Hills has been prevalent as a religious practice from time immemorial practices not only by Muslims but also by other communities as well. It is also pertinent to note that the Tamil Nadu Animals and Birds Sacrifices Prohibition Act, 1950 was repealed in 2004 by Tamil Nadu Act 20 of 2004. Therefore, as on date, there is no statutory bar against the traditional practice of animal sacrifice at religious places in Tamil Nadu. Moreover, the Dargah is located on the southern side peak of the Thirupparankundram Hill, while the Subramaniya Swamy Temple and Kasi Viswanathar Temple are situated at different locations. Thus, no religious practices of one community impinge upon the sacred spaces of another.

12. This Court has perused the counter affidavit filed on behalf of the Archaeological Department, in which it has been specifically stated that there are two protection notifications- (i) Cavern with Panchapandava beds on western slopes



of the hills and similar beds behind the Sikkandar Mosque on the top and (ii) Rock-cut Cave and Inscriptions on the southern side of the Thiruparankunram Rock. These protection notifications declared the entire Thiruparankundaram Hillock, comprising a total land area of 172.70 acres, as a protected site under the provisions of the Ancient Monuments preservation Act, 1904 vide notification No.43 dated 20.02.1923 and No.474 dated 01.09.1908 respectively. It is further stated that after India's Independence, a new Act namely the Ancient Monuments and Archaeological Sites and Remains Act, 1958, came into force, and now, provisions of the Act of 1958 shall be applicable on these protected monuments. As per the above notifications, the entire Thiruparankundaram Hillock is a recognised and protected as a monument. An F.I.R. vide No.37 was registered at Tiruparankundram Police Station, Tiruparankundram, Madurai on 20.01.2025 for the unauthorized activities carried out by unknown persons on 31.08.2024, for application of green enamel paint on the walls of the rock surface of one of the Jain Beds behind Sikkandar Mosque. It is also seen that, in continuation of the above incident, ASI, Trichy Circle requested the Commissioner of Police, to issue a suitable direction to the Authority concerned, for filing a supplementary FIR against the accused for "act of decreation of a national monument and disturbing harmony between different communities". Hence, this Court is of the considered opinion that National monuments in India are protected under the



Ancient Monuments and Archaeological Sites and Remains Act, 1958 (AMASR Act). A Monument declared of national importance by the Archaeological Survey of India (ASI) under the AMASR Act hold the following key provisions:-

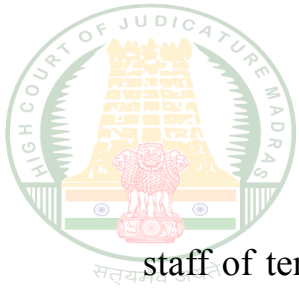
- (i) Prohibited area - 100 meters radius from the protected limits – no constructions or excavation allowed (except with permission).*
- (ii) Regulated Area – next 200 meters beyond prohibited area – limited, regulated construction with permission from National monuments Authority (NMA).*
- (iii) No alteration or damage is permitted to the structure.*
- (iv) Maintenance and conservations is the responsibility of the ASI.*

When the above key provisions protects the physical structures of the monuments of national importance, religious practices shall also be continued, if they are traditional, until they do not physically damage the monument or violate the ASI guidelines. Since in the present case on hand, damages have been caused to the Thiruparankundram Hill by unauthorised persons by painting the rocks with green enamel, this Court feels necessary to impose restrictions, on whomsoever it may be concerned, to perform any type of construction or alteration works in the Thiruparankundram Hill, without obtaining proper / necessary permission from the officials of the Archaeological Department. Taking into consideration the submissions made by Mr.Veera Kathiravan, learned Additional Advocate

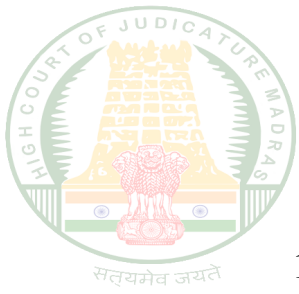


General, assisted by Mr.P.Thilak Kumar, learned Government Pleader that the prayer is not feasible of compliance as of now, as the petitioner in W.P.(MD) No. 3703 of 2025 has scant right over the Hill and so also a litigation on this subject is pending before the Hon'ble Supreme Court of India, the writ petition filed in W.P.(MD) No.3703 of 2025 stands dismissed.

13. In W.P.(MD) No.8523 of 2017 filed by the petitioner therein sought consideration of his representation dated 01.05.2015, seeking for appropriate action to provide civic amenities such as proper road, street lights, drinking water supply and toilet in the interest of the public visiting the Dharka and Temple. It can be averred from the submissions made by the learned counsel appearing for the Temple that, in belief of preserving the sacredness of the Hill by the devotees, the Temple has not provided any toilet facilities on any part of the Hill, more particularly at Kasi Viswanathar temple situated at the top of the Hill. Even when request was made by the general public to the Temple authorities for laying of roads, the same was rejected on the ground that laying of road would cause serious damages to the Hill, which is preserved as a monument vide notifications No.43 dated 20.02.1923 and No.474 dated 01.09.1908 of the Archaeological Department. From time immemorial, worshipers were permitted to visit Kasi Viswanathar temple only from 8:00 A.M. to 6:00 P.M. and no general public or



staff of temple administration are permitted to stay during the night hours in the Hill. Considering the above said facts, the Privy Council has decided the issue of title and has made it clear that Mohammedans can have access in the Hill to reach out to Dargha after getting permission from Arulmighu Subramaniya Swami Temple, Thiruparankundram. The contentions raised by the learned counsel appearing for the Temple is that in order to protect the holiness of the Temple, the Temple is providing minimum drinking water facility at Kasi Viswanathar temple by carrying water manually and has also duly instructed the devotees who visit Kasi Viswanathar temple to carry water on their own. If toilet facilities is provided at the top of the Hill, then huge pipelines have to be erected on the Hill to carry drainage waste and the same would seriously affect the holiness of the Hill. In order to ensure safety, the Temple administration has provided permission to stay in the Hill only from 8:00 A.M. to 6:00 P.M. and therefore, no separate lights are required in the pathway and if the same is provided, then the same would lead to have access in night hours, which would lead to further unnecessary threat in the Hill. The above contentions made by the learned counsel appearing for the Temple, finds much force for consideration. Accordingly, the request made by the petitioner in W.P.(MD) No.8523 of 2017 cannot be accepted and the same stands dismissed.



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14. Article 25 of Constitution of India confers the Right to Freedom of Religion which includes "practice", and the same can only be interfered only by a law enacted under sub-clause (2) of Article 25. In the absence of any law prohibiting animal sacrifice, which is a part of religious practice, there cannot be any Order by this Court restraining such activity. Rituals, observances, ceremonies and mode of worship are regarded as integral parts of religion, which will even extend to matters of food and dress and no outside authority has any jurisdiction to interfere with such practises.

15. The Thiruparankundram Hill, insofar as the Hindus are concerned and subject to the recognised rights of the Mohammedans, is not vested with any individual or any particular group or association of people, but is vested with Arulmigu Subramaniya Swamy Temple, Thiruparankundram. There is no allegations of violation of the rights of the Temple in respect of the Thiruparankundram Hills, as such rights have been recognised and confirmed by the Civil Courts. Therefore, we find no merit in WP. (MD) Nos. 2277/2025 & 2678/2025.

16. Before parting, we feel that in the facts and circumstances of the case, it is necessary to direct the authorities concerned, in order to maintain public



peace, harmony and tranquility, to take firm and immediate steps against persons/organisation who attempt to disrupt the same. Accordingly, all the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions stand closed.

(J.N.B.,J.) (S.S.Y.,J.)
24.06.2025

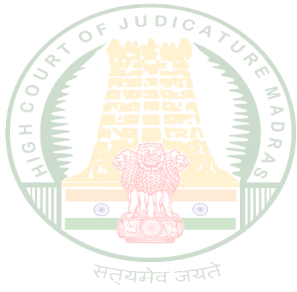
Index : Yes/No

Internet : Yes/No

sts

To:

- 1) The District Collector,
Madurai District, Madurai.
- 2) The Commissioner of Police,
City Police Commissioner Officer,
Alagar Kovil Road, Madurai.
- 3) The Deputy Commissioner,
Hindu Religious & Charitable
Endowments Department (HR & CE),
Arulmigu Subramaniya Samy Temple,
Thiruparankundram, Madurai.
- 4) The Revenue Divisional Officer,
Thirumangalam, Madurai District.
- 5) The Officer Incharge,
The Archaeological Department,
Thirumayam, Pudukottai District.
- 6) The Inspector of Police,
Thiruparankundram Police Station,
Thiruparankundram, Madurai City.
- 7) The Tahsildar,
Thiruparankundram Taluk,
Madurai.



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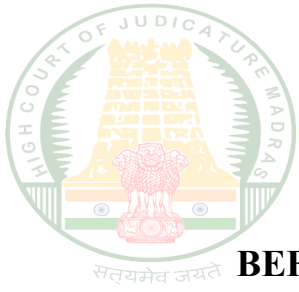
W.P.(MD)Nos.2277 of 2025 and batch

J. NISHA BANU, J.
and
S.SRIMATHY, J.

sts

Pre-Delivery of
Common Judgment made in
W.P.(MD)Nos.2277, 3703 & 2678 of 2025,
15565 & 23198 of 2023
and 8523/2017

Dated:
24.06.2025



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 30.04.2025

PRONOUNCED ON : 24.06.2025

CORAM:

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

and

THE HONOURABLE MRS. JUSTICE S. SRIMATHY

**W.P.(MD)Nos.2277, 2678, 3703 of 2025, 8523 of 2017,
15565 and 23198 of 2023**

and

**W.M.P.(MD)Nos.13082, 21687 of 2023, 1761, 1886, 2309, 2346, 2441, 3851,
6169, 7172, 7269, 7865 of 2025**

W.P.(MD)No.2277 of 2025:

M.Kannan @ Solai Kannan

... Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner of Police,
City Police Commissioner Officer,
Alagar Kovil Road, Madurai.
3. The Deputy Commissioner,
Hindu Religious and Charitable Endowments
Department (HR & CE),
Arulmigu Subramaniya Samy Temple,
Thiruparankundram, Madurai.
4. The Revenue Divisional Officer,
Thirumangalam, Madurai District.



5.The Officer Incharge,
The Archeological Department,
Thirumayam, Pudukottai District.

6.The Inspector of Police,
Thiruparankundram Police Station,
Thiruparankundram, Madurai City.

7.The Tahsildar,
Thiruparankundram Taluk, Madurai.

8.The Trustee,
Sikandar Badhusha Avuliah Dargah,
Thiruparankundram, Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the respondents 1 to 7 to prevent the 8th respondent at any point of time from performing any form of animal sacrifice in entire Thiruparankundram Hill and also from serving food prepared by animal sacrifice based on the representation, dated 16.01.2025 and 17.01.2025.

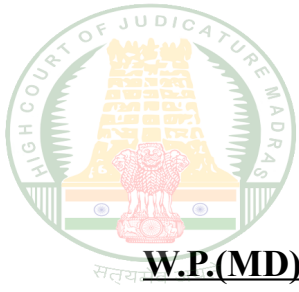
For Petitioner : Mr.N.Sundaresan

For R1 and R4 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.P.Thilak Kumar
Government Pleader

For R3 : Mr.S.Manohar

For R8 : Mr.Isaac Mohanlal
Senior Counsel
for Mr.B.Arun

For R2 and R6 : Mr.S.Ravi
Additional Public Prosecution



W.P.(MD)No.2678 of 2025:

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S.Paramasivam

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Thirumangalam, Madurai District.

3.The Commissioner of Police,
Madurai City, Madurai.

4.The Inspector of Police,
Thiruparankundram Police Station,
Madurai.

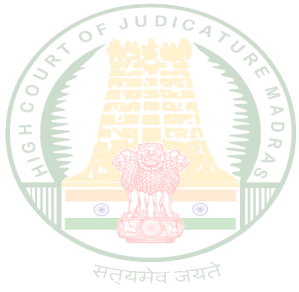
5.The Deputy Commissioner / Executive Officer,
Arulmigu Subramaniaswami Thirukovil,
Thiruparankundram, Madurai.

6.Hazarath Sulthan Sikkandhar Badhusa Avuliya Dargah,
Represented by its Managing Trustee,
Thiruparankundram, Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the respondents 1 to 5 to take appropriate action to prevent / prohibit the illegal usage of the name of the Thiruparankundram temple Hillock as Sikkandar malai and to prohibit any kind of animal sacrifice in any manner by anybody upon the hill area with a view to preserve and protect the scared and holiness of the Hillock Thiruparankundram.

For Petitioner	: Mr.M.Karthikeya Venkitachalapathy
For R1 and R2	: Mr.Veera Kathiravan
	Additional Advocate General
	assisted by Mr.P.Thilak Kumar,
	Government Pleader



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For R3 and R4 : Mr.S.Ravi
Additional Public Prosecutor

For R5 : Mr.S.Manohar

For R6 : Mr.Isaac Mohanlal
Senior Counsel
for Mr.B.Arun

W.P.(MD)No.3703 of 2025:

Swasthi Shri Laxmisena Bhattarak Bhattacharya
Maha Swamigal,
Sri Jina Kanchi Jain Mutt,
Mel Sithammur, Gingee Taluk,
Villupuram District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat, Chennai-600009.
- 2.The Principal Secretary,
Tourism, Culture and Religious Endowments Department,
Fort.St.George, Secretariat,
Chennai-600 009.
- 3.The Principal Secretary and Commissioner,
Department of Archaeology,
Government of India,
Tamil Valarchi Valagam,
Halls Road, Egmore, Chennai-600 008.
4. The Director General of Archaeological Survey of India,
Dharohar Bhawan,
24 Tilak Marg, New Delhi-110 001.
- 5.The Director General of Police and Head of Police Force,
Radhakrishnan Salai road,
Mylapore, Chennai-600004.



6. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai- 600 034.

7. District Collector,
Madurai District, Madurai.

8. The Commissioner of Police,
Madurai City, Madurai.

9. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Ellis Nagar, Madurai.

10. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.

... Respondents

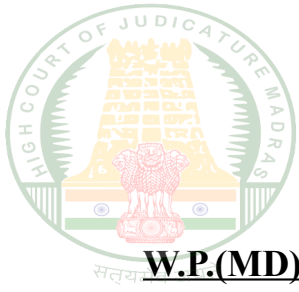
PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Declaration***, to declare the Thiruparankundram hill, Madurai District as “Samanar Kundu” and to restore and maintain the said hill which as a site of National importance and desist form any act which are against the Jain Principles and preachings.

For Petitioner : Mr.S.Sarvagan Prabhu

For R1 to R4, R6, R7 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.P.Thilak Kumar
Government Pleader

For R8 : Mr.S.Ravi
Additional Public Prosecutor

For R5 : Mr.K.Govindarajan
Deputy Solicitor General of India



W.P.(MD)No.8523 of 2017:

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A.Abdul Jabbar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.

2.The District Collector,
Madurai District, Madurai-20.

3.The Commissioner,
Arignar Anna Maligai,
Madurai Corporation,
Madurai-2.

4.The Deputy Commissioner,
Arulmigu Subramanian Swamy Temple,
Thirupparankundram, Madurai-5.

5.The Assistant Commissioner,
Zone No.4,
Madurai Corporation, Madurai.

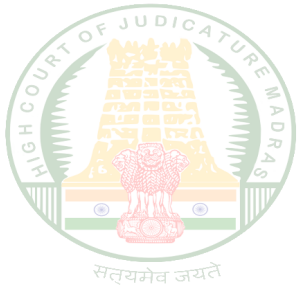
6.The Tourist Officer,
Tamil Nadu Tourism Development Corporation,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 01.05.2015 seeking for appropriate action to provide civic amenities such as proper road, street lights, drinking water supply and toilet in the interest of the public visiting the Dharka and Temple within the period that may be stipulated by this Court.

For Petitioner

: Mr.H.Mohammed Imran
for M/s.Ajmal Associates



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For R1, R3 and R6 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.P.Thilak Kumar
Government Pleader

For R4 : Mr.S.Manohar

For R3 and R5 : M/s.S.Devasena

W.P.(MD)No.15565 of 2023:

A.P.Ramalingam,
State Organization Secretary,
Hindu Makkal Katchi,
Agila Bharatha Hanuman Sena,
(Registered No.143/2018),
Thirukkulam 1st Street,
Periya Ratha Veethi,
Thirupparankundram,
Madurai-625 005.

... Petitioner

Vs.

- 1.The Secretary to Government,
Hindu Religious and Charitable
Endowments Department,
St. George Fort, Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Ellis Nagar, Madurai.
- 4.The District Collector,
Collectorate Campus,
Madurai, Madurai District.



5.The Executive Officer,
Arulmigu Subramanian Swamy Thirukovil,
Thirupparankundram, Madurai.

6.The Commissioner of Police,
Office of the Commissioner of Police,
Thamaraithotti, K.Pudur,
Madurai – 625 007.

7.The Inspector of Police,
Thirupparankundram Town Police Station,
Thirupparankundram, Madurai – 625 008.

8.Sikkandar Badhusha Dharga,
Represented by its Jamath Members,
Thirupparankundram, Madurai,
Madurai District.

... Respondents

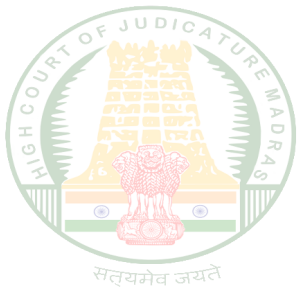
PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the respondents 1 to 7 to take necessary action as against the 8th respondent not to conduct prayer or any other gathering in Nellithope at Arulmigu Subramaniaswamy Thirukovil at Thirupparankundram, Madurai District, based on the petitioner's representation, dated 13.05.2023 and 19.06.2023.

For Petitioner : Mr.Niranjana S.Kumar

For R1 to R4 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.P.Thilak Kumar
Government Pleader

For R5 : Mr.S.Manohar

For R6 and R7 : Mr.S.Ravi
Additional Public Prosecutor



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For R8

: Mr.Isaac Mohanlal
Senior Counsel
for Mr.B.Arun

W.P.(MD)No.23198 of 2023:

Y.Ozeer Khan

...Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2. The Assistant Commissioner of Police,
Thirupparankundram. Madurai.

3. The Inspector of Police,
Thirupparankundram Police Station, Madurai.

4. The Assistant Commissioner cum Executive Officer,
Hindu Religious and Charitable Endowment,
Arulmigu Subramaniaswamy Temple,
Thirupparankundram, Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the respondents 1 to 3 herein not to interfere the petitioner's day-to-day administration of Hazarath Suithan Sikkandar Badhusa Avuliva Dargah and Mosque and consequently, to direct them not to prevent from carrying the renovation works and the present construction works in the place of the said Dargah and Mosque situated at the Top Hill of Thirupparankundram, Madurai, on the basis of the petitioner's representation, dated 17.08.2023.

For Petitioner

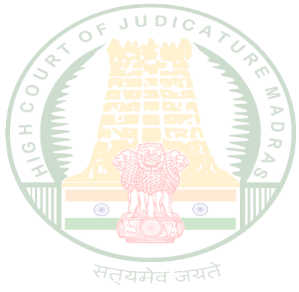
: Mr.Isaac Mohanlal
Senior Counsel
for Mr.B.Arun

For R1 to R3

: Mr.S.Ravi
Additional Public Prosecutor

For R4

: Mr.S.Manohar



COMMON ORDER

WEB COPY (Order of the Court was delivered by **S.SRIMATHY, J.**)

After reading the order, I differ from the above order. Hence, the following order is passed:

All these writ petitions were filed seeking various relief, but all revolve around Thiruparakundram Hill, hence all the six writ petitions were taken up together and common order is passed.

BRIEF HISTORY:

2. Before going to the merits of the case some brief history. The Thiruparakundram Hill is considered as one of the “Arupadai Veedu of Lord Murugan” and first Arupadai Veedu. In Thirumurugatrupadai there is a reference of Thiruparakundram Subramaniya Swamy Temple. The Thirumurugatrupadai is part of 3rd Sangam Literature which is around 2nd century AD to 4th century AD (which period refers from the year 101 to the year 400). In the 6th century (which refers to the period from the year 601 to the year 700) Maravarman Sundarapandian has put up some construction. Then in the 8th century AD (which refers to the period from the year 701 to the year 800) some more constructions were put up by Pandiya Kings. Then some constructions in the 11th century AD. Thereafter Nayakar Kings had put up some more constructions and their period were from 1529 to 1736 AD, thereby the present form of construction of the



temple is existing. There are several poets, like Nakkerar, Parasara Munivar, Marutha Nila Naganar, Erukatoor Thattangakaniyer and also Katchiyappa Shivacharyar has sung several songs on this temple. There is also a Jeeva Samathi of Matcha Munivar wherein Sivalingam is carved in the said Jeeva Samathi and it is also a place where several Hindu offer prayers.

3. The Thiruparakundram Hill Sikander Dargah is a place where one Sultan Syed Sikandar Badhusa who died during 12th century (which refers to the period from the year 1101 to the year 1200) was buried and tomb was erected. Some people claim it is tomb of one Allaudin Sikandar Shah, the last Sultan of the Madurai Sultanate, who died in the year 1377. It is pertinent to mention that the said Sultan Syed Sikandar Badhusa is different from Allaudin Sikandar Shah. The said Sultan Syed Sikandar Badhusa had accompanied one Sultan Syed Ibrahim Shaheed (who is stated to be 18th generation descendent of Prophet Mohammad) from Medina to spread Islam. This history is stated in Erwadi Dargah. However, the said Allaudin Sikandar Shah is from Delhi Sultanate Dynasty. When Mohamed Bin Tughluq (his real name was Fakhruddin Jauna Khan) was ruling Delhi during 1325 AD. During this period one Jalaluddin Ahsan Khan was ruling Madurai as a representative of Mohamed Bin Tughluq, but later



on the said Jalaluddin Ahsan Khan declared independence from Delhi Sultanate Dynasty and formed Madurai Sultanate. In the said Madurai Sultanate eight persons ruled from 1335 to 1378 for 43 years and the last person is the said Allaudin Sikandar Shah. The 12th century Sultan Syed Sikandar Badhusa was buried, a tomb was constructed as a grave memorial, then another 16 persons were buried and 16 tombs were erected and then expanded to construct mosque, thereby the present form of construction of the Dargah is existing.

BRIEF FACTS AND LITIGATIONS:

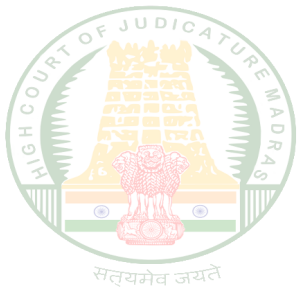
4. In the year 1917 a dispute arose when the Dargah was intended to put up mantapam and the temple had objected. Hence the suit in O.S.No.4 of 1920 on the file of Additional Sub Court, Madurai (earlier numbered as O.S.No.101 of 1917 on the file of Sub Court of Madura and O.S.No.6 of 1918 Temporary Sub Court, Madurai, then renumbered as O.S.No.4 of 1920) was filed for declaration to declare that the temple is the owner of the entire Thiruparankundrum Hill and is in possession of the Hill, consequential injunction restraining the defendants from interfering with the plaintiff's possession, mandatory injunction to demolish the mantapam and recovery of possession of the site of mantapam, the Nellitope and such other portions as are found to be not in the plaintiff's possession now. After



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considering the rival pleadings the Court had framed the following issues and answered:

- i. Whether the plaintiff is entitled to all or any of the suit properties and has been in possession of all or any of them in the manner alleged in the plaint?
- ii. Whether the plaintiff, 1st defendants 3 to 5 and 7 to 10 defendants are the owner of the hill in disputes?
- iii. Whether the defendants 3 to 5 and 7 to 10 are in possession and enjoyment of the hill for more than the statutory period of limitation and thus acquitted ownership in the said hill by prescription?
- iv. If not whether the defendants 3 to 5 and 7 to 10 are entitled to the easements and rights referred to in para 25 of their written statement over the said hill?
- v. Whether the mantapam referred to in para III (d) of the plaint is a newly erected one or only a renovated one built on the basement of an old one situated in the same place?
- vi. Whether the plaintiff has any right to the Kasiviswanatha Swamy temple situated in the said hill?



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vii. Whether the Giri Veedhi and other streets referred to in the para III (a) of the plaint belong to the plaintiff or to the defendants 1 and 2?

viii. Whether the plaintiff is estopped from asserting his title for the reasons stated in paragraphs 9 and 10 of the 1st defendant's statement?

ix. Whether the suit is barred by adverse possession of the 1st defendant as stated in para II of the written statement?

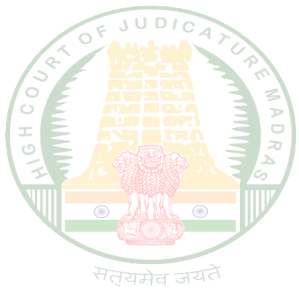
x. Whether the suit is not maintainable for the reason stated in para 12 of the 1st defendant's statement?

xi. Whether the suit is not properly valued?

xii. Whether the plaintiff is entitled to any declaration, injunction or possession as prayed for in respect of all or any portion of the suit properties?

xiii. What relief is the plaintiff entitled to?

xiv. Whether the plaintiff is debarred from questioning the entries in the settlement registers regarding the suit properties and from claiming them for the reasons stated in para 4 of the 1st defendants written statement?



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xv. Is the suit bad for misjoinder of parties and causes of action?

5. In the above stated issues some of them i.e. 4,8,10,11,13,14 and 15 were considered as preliminary issues and the Court held that the Giri Veedhi along with the soil belongs to temple and other streets are vested with the local authority i.e. to defendants 1 and 2. Further held that the issuance of tree pattas by the government and the Devasthanam is having acquiescence, cannot create estoppel. If the plaintiff explains satisfactorily the circumstances in which the pattas came to be issued, then estoppel cannot be granted against the plaintiff and the Court find no reason to hold estoppel against the plaintiff. As far as notification issued declaring the hill as “reserved land” the Court held for “reserved land” estoppel would not arise. It is for “reserved forest” the estoppel would arise. For the contention that the plaintiff temple is not in possession, hence mere declaration is not maintainable, the court held it is misapprehension, since the plaintiff had sought recovery of possession also. As far as the issue of classification the Court held that there are no records to prove that the classification at the settlement was made with the knowledge of or after notice to the Devasthanam or as a result of a considered decision of contest, hence the plaintiff cannot be debarred from



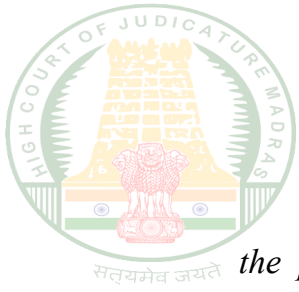
questioning the classification. The suit is not bad for misjoinder of parties.

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6. After considering the other issues namely 1,2,3,5,6,7 and 9 the Court had held as under:

“46. On the whole my conclusions and findings are:

- i. That the plaintiff is the owner and has been in possession of the whole of Thiruparankundrum Hill and the Giri Veedhi in the manner alleged excepting assessed the occupied lands, the Nellitope including the new mantapam, the flight of steps leading from the Nellitope up to the mosque and the top of the rock on which the mosque and the flagstaff of the mohamadans stand.*
- ii. That the Mohamadan defendants 3 to 5 and 7 to 13 are owners and are in possession of the Nellitope with all that it contains, the flight of steps mentioned above the new mantapam and the whole of the top of the hillock on which the mosque and the flag staff stand,*
- iii. That the mantapam referred to in paragraph III (d) of the plainti is a new one put up on the site of an old one as contended by the Mohamadans.*
- iv. That the Kasiviswanathaswamy temple and theertham belongs to the plaintiff*
- v. That the Giriveedhi and other streets referred to in paragraph III (a) of*



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the plaint are vested in the second defendant, that the plaintiff is not entitled to Sannashi Streets but is entitled to the Giri Veedhi subject to the rights of the 2nd defendant under the Madras Local Boards Act and

vi. That the plaintiff is entitled to the trees on the sides of the Giri Veedhi and on the hill excepting such as belong to private owners

47. Thereafter, the Court held that the plaintiff temple is entitled to a declaration and injunction in regard to the property found to belong to the Devasthanam. There is no necessity to give a decree for possession to the plaintiff since the plaintiff is already in possession. In the result there will be a decree declaring the rights as found in paragraph 46. The defendants will be prevented by an injunction from interfering with the plaintiff's possession on the properties declared as above. The plaintiff fails in regard to the Sannadhi streets and to the Giri Veedhi as a road vested in the Taluq Board. The 1st defendant fails in regard to the title set up to the entire hill. The Mohamadan defendants fail in regard to their claim to the entire hillock on which their mosque stands. In these circumstances, I direct the parties to bear their respective cost."

7. Based on the above finding the Court had granted the following decree to the suit schedule property:

"i. That the plaintiff is the owner and has been in possession of the whole of Thiruparankundrum Hill and the Giri Veedhi excepting the assessed and occupied lands, the nellitope including the new mantapam, the right of steps leading from the Nellitope up to the mosque and the top of the rock



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on which the mosque and the flagstaff of the Mohamadans stand.

ii. That the Mohamadan defendants 3, 4 and 8 to 13 are owners and are in possession of the Nellitope with all that it contains, the flight of steps mentioned above, the new mantapam and the whole of the top of the hillock on which the mosque and the flag staff stands.

iii. That the mantapam referred to in paragraph III (d) of the plaint is a new one put up on the site of an old one as contended by the Mohamadans.

iv. That the Kasiviswanathaswamy temple and theertham belongs to the plaintiff

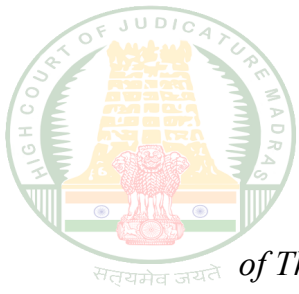
v. That the Giriveedhi and other streets referred to in paragraph III (a) of the plaint are vested in the second defendant, that the plaintiff is not entitled to Sannashi Streets but is entitled to the Giri Veedhi subject to the rights of the 2nd defendant under the Madras Local Boards Act and

vi. That the plaintiff is entitled to the trees on the sides of the Giri Veedhi and on the hill excepting such as belong to private owners and it is ordered and decreed that the defendants are prevented by an injunction from interfering suit the plaintiff's possession of the properties decreed above.

It is further ordered ... costs

Schedule of Property:

1. Survey No.360, 370-B, 407, 499, 506, 546 and 706 of Tirupparankundram Village, Madura Taluq, forming the Giri Veedhi road



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of Thirupparanjundram Hill extent 15.92 acres.

2. Poramboke portion of S.No.365/A about 150 acres inclusive of:

- i. The site called Nellitope on the hill on which a new mantapam has been erected by the defendants 3 to 7 in 1916 (extent 33 cents)*
- ii. The Sannadhi and the 4 car streets, north, east, south, west in front of the Subramaniya Swami Temple in Tirupparankundram Village about 3 to 4 acres.”*

8. Thereafter, the defendants 3,4 and 8 to 13 had preferred in A.S.No.34 of 1924 on the file of High Court and the said appeal was dismissed, consequently the suit was also dismissed. Aggrieved over the plaintiff temple had preferred appeal to Privy Council in Appeal No.5 of 1930 and the appeal was allowed upholding the decree granted in the Suit.

9. Another suit was filed by the Meenakshi Sundareswarer Temple in O.S.No.111 of 1958 on the file of the Sub Court Madurai inter alia praying for injunction and for damages. The allegation is that on several occasions attempts were made by the government and others to quarry stones from the hill and those attempts were abandoned due to resistance from the temple. But now the dargah people was trying to do quarry and hence the suit. And the suit was allowed



restraining the defendants from cutting stones from any rock outside Nellithope and assessed and occupied lands as described in O.S.No.4 of 1920. Further held that the exact location and extent of the property shall be determined in a fresh suit and the same would not affect by the principles of res judicata. On appeal in A.S.No.90 of 1960 on the file of High Court, the decree of injunction is confirmed, but the second clause is modified wherein it is held that the exact location and extent of the property i.e. Nellithope and assessed and occupied lands be determined by issue of survey knowing commission, as far as possible acceptable to both sides in execution, so that clause 1 supra may be respected by the defendants and duly enforced and implemented.

10. Thereafter an Execution Petition No.163 of 1962 was filed wherein it is stated that the injunction granted in favour of the plaintiff shall not operate as regards the Nellithope including the pond and the defendants shall have a right of way to the pond from the flat space with trees and tombs indicated in the “C” sketch.

11. Another suit in O.S.No.506 of 1975 on the file of Sub Court, Madurai was filed by the temple inter alia praying for permanent injunction restraining the defendants dargah from encroaching the space in between the compound wall of



pallivasal and flagstaff wherein the dargah had stored some materials nearby for the said purpose. After considering the rival submissions the suit was dismissed. The temple preferred appeal in A.S.No.39 of 1980. In the said appeal an I.A.No. 122 of 1981 and it was ordered. Since the I.A. was ordered, the A.S.No.39 of 1980 was allowed and the judgment and decree of the Sub Court was set aside with liberty to file a fresh suit on the same cause of action.

12. Another suit was filed in O.S.No.39 of 2000 inter alia praying for permanent injunction from doing any further addition in the Nellithope***. The permanent injunction was granted and at the same time the temple was directed to provide electricity connection to the dargah on temple expenses and the 1st defendant shall provide assistance. Aggrieved over the temple preferred appeal in A.S.No.173 of 2011 wherein the decree of injunction was confirmed, but the other direction was modified, wherein the dargah was directed to give information to the temple, then on dargah own expenses the electricity connection may be carried out with the consent of the temple.

13. In the meanwhile, during 2021 santhanakodu festival the dargah tried to put up flag in iron rod which was objected. The police and revenue



officials convened a peace committee meeting on 25.06.2021 and it was agreed that the resolution arrived at in the 2011 ought to be strictly followed, thereby the dargah ought to use only wood pole to erect the flag. The said order dated 25.06.2021 was put to challenge by Dargah in W.P.(MD)No. W.P.(MD)No.11001 of 2021 and the same was dismissed on 04.08.2021 by upholding the order dated 25.06.2021.

PRESENT LITIGATIONS:

14. After the above series of litigation, the present writ petitions are filed raising further issues.

15(i) The W.P.(MD)No.2277 of 2025 is filed as public interest litigation for writ of mandamus to direct the respondents 1 to 7 to prevent the 8th respondent at any point of time from performing any form of animal sacrifice in entire Thiruparankundram Hill and also from serving food prepared by animal sacrifice based on the representation dated 16.01.2025 and 17.01.2025. The brief facts as stated in the writ petition is that Sri Arulmugu Subramaniya Swamy Temple at Tiruparankundram is a famous cave temple constructed around 8th century by Panydiya King and considered as one of the first Arupadai veedu of Lord



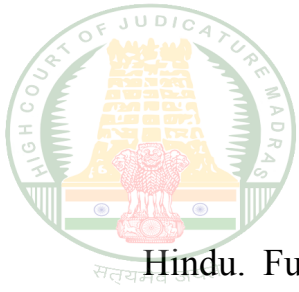
Murugan. The temple is worshipped by Hindus from time immemorial from worldwide and take Girivalam on every full moon day. On top of Hill, there is Kasi Viswanatha Temple, Arumugha Swamy, Deepam Thoon, Sthala Virksha Kallati tree. The height this hill is roughly estimated 190 meters. On the south side of hill called Thenparankundram, there is Umai Andar Cave Temple and 11 Theerthakulam exists. On the North West portion there are Samanar Culvet and caves are situated. The administration of the temple comes under HR&CE, the 3rd respondent herein. The contention of the petitioner is that the entire temple itself is considered the god of the Shiva in the form of Shivalingam and therefore, the Hindu community has belief the entire hill is the Shiva Sthalam. Poojas are performed to Lord Muruga, which is inside the cave temple as well as on the top of hill by offering flowers like Jasmine and Roses and Fruits like Banana, Apple, Oranges and the like fruits. But no point of time either inside the cave temple or 11 Thiruthalam or at Kasi Viswanatha Temple, no Animal Sacrifice has been done, no animal sacrificed foods are also prepared or served, no animal sacrifice outside foods are offered to the temple. Non vegetarian cooking was not done anywhere in the temple or inside temple or top of the entire hill.

(ii) However, on the Southern side of Hill Sikkandar Badusha Dargah is situated, but the petitioner is not having knowledge when it was constructed. To reach dargah one has to climb the hill via Palani Andavar Temple hill way. There



are several Hindu offer their prayer by ear piercing, tongue piercing and also, temple authority take Murugan Vel through the hill pathway and bring theertham from the top of Hill on this pathway only. During British Period, it is held that the temple is the owner the Hill and the temple hills are Hindu temples and called "Andavar Subramaniya Swamy Malai" in Land Register of 1881. In such circumstances, the Trustee of Sikkandar Badusha Dargah this year in the month of January 2025 announced and published notices and distributed pamphlets stating that on 18, January 2025 they are going to do animal sacrifice by cutting Goat and Hens and organize Samabanthi feast in order to bring communal harmony. On seeing such notices and bills, the entire Hindu community residents and also all Hindu Devotees of Lord Muruga were totally shocked and surprised and were mentally disturbed on hearing such announcement made by Dargah. The Hindus and devotees of Arulmigu Subramaniya Swamy follow pure Saiva Principal, wherein no animal sacrifice are done or offered.

(iii) Further, notice refers the Tirparankundram Malai as Sikkanthar Malai. The name of Tiruparankundram is existing from 8th century CE and from Pandia Kingdom period. In all revenue records and Gazettes, it is named as Tiruparankundram. Even the Government of India Archeological Survey Department calls the hill as Tiruparankundam and nowhere it is called as Sikkanthar Malai. Hence, such notice changing the name affects the sentiment of



Hindu. Further, Thiruparkundram Hill consists of caves with Pancha Pandava'

beds on western slope of the Hill and similar beds behind the Sikandar Dargah.

The Hill is centrally protected monument as per Ancient Monument and Archaeological Sites Remains Act, 1958 and Rules, 1959 and Amendment and Validation Act 2010. The Thiruparankundram Hill surrounding are under Vigilance of Archaeological Survey of India, New Delhi. Despite this several monuments were painted with green color by unknown persons. In 2012, a powerful material to prepare detonator were found by the local police. CCTV camera was installed but the same was broken by some miscreants and the anti-social elements. Hence the act of calling Samapanthi feast only creates separation between Hindus and Muslims who are now moving as brotherhood. There was no permission for animal sacrifice all these years. Even though the second respondent prevent the 8th respondent from such samapanthi feast, agitation for such animal sacrifice and calling the hill as sikkanthar malai was carried out by the 8th respondent. Hence, the present writ petition.

16. The W.P.(MD)No.2678 of 2025 is filed as public interest litigation for Mandamus to direct the respondents 1 to 5 to take appropriate action to prevent / prohibit the illegal usage of the name Sikkandar Malai instead of the Thiruparankundram Temple Hillock and to prohibit any kind of animal sacrifice in



any manner by anybody upon the hill area with a view to preserve and protect the scared and holiness of the hillock Thiruparankundram. The affidavit had stated more or less the same facts as stated above.

17. The W.P.(MD)No.3703 of 2025 is filed as public interest litigation for Writ of Declaration to declare the Tiruparankundram Hill as Samanar Kundu and to restore and maintain the said hill as site of national importance and desist from any act which are against the Jain Principles and preachings. The facts are more or less the same as stated above.

18. The W.P.(MD)No.15565 of 2023 is filed as public interest litigation for Writ of Mandamus directing the respondents 1 to 7 to take necessary action against 8th respondent not to conduct prayer or any other gathering in Neelithope at Arulmigu Subramaniaswamy Temple based on the petitioner's representation dated 13.05.2023 and 19.06.2023. The facts of the case are more or less same as stated supra.

19. The W.P.(MD)No.8523 of 2017 is filed for Writ of Mandamus directing



the respondents to consider the petitioner's representation dated 01.05.2015 and provide civic amenities such as proper roads, street lights, drinking water supply and toilet in the interest of the public visiting the Dargah and temple. The dargah is having decree in O.S.No.39 of 2000 confirmed in A.S.No.173 of 2011 for electricity connection to dargah, inspite of the same, the respondents are not allowing to get electricity connection to dargah.

20. The W.P.(MD)No.23198 of 2023 is filed for Writ of Mandamus directing the respondents not to interfere in the petitioner's day-to-day administration of dargah and consequently to direct them not to prevent the petitioner from carrying the renovation works and construction works in the place of the said dargah based on the representation dated 17.08.2023. The dargah is having decree in its favour that the Nellithoppe belongs to dargah, but the respondents are not allowing to do renovation works, hence the writ petition.

COUNTERS AND WRITTEN SUBMISSIONS FILED BY THE RESPONDENTS:

21. The District Collector and the Commissioner of Police had filed separate counters but both are replica. However, it is common counters for all the writ petitions. The counter states that Hindu Murugan temple is located on north,



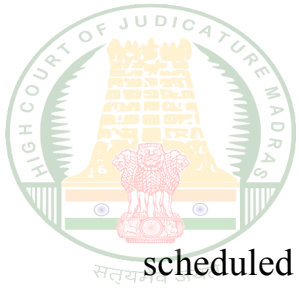
Jain monument on south, Thenparankundram in middle and dargah on top south.

The Hindu organisation terms it as “Skanda Malai”, Muslim organisation terms as “Sikkandar Malai”, Jain terms as “Samanar Kundru” and local people terms as “Thirupparangundram Malai”. On 25.12.2024 some 21 persons of Muslim community took a trip to Tirupurankundram Hill top for performing religious vows by sacrificing the goat. Based on complaint the persons were halted and case was registered in Crime No.823 of 2024 and investigation is on. Further there is a representation not to allow animal sacrifice in dargah. The Muslim community gave a petition to conduct santhankoodu festival on 17.01.2025. There was dispute between Hindu and Muslim organisation regarding the right over the Hill. The respondents is bound to maintain harmony and beliefs of any community cannot be harmed. RDO convened a meeting on 30.01.2025 and the report states that it is the practice of Muslims to sacrifice the animals. In some Hindu temples also animal sacrifice like Alagarkovil. One Paramasivam aged 71 years is the person who would do goat skinning and dressing for years together and he is being engaged by the dargah for goat skinning and dressing whenever the goat was sacrificed in dargah. As per section 3 and 4 of Places of Worship (Special Provisions) Act 1991 the worship place as prevalent on 15.08.1947 shall continue to exist. The fundamental right ought to coexist in harmony and also with reasonable and valid exercise of power by State in the light of Directive Principles



in the interest of Social Welfare as a whole. It is necessary to mediate between Article 29(2) and Article 31, the letter of spirit of these Articles is between traditions of the past and the convenience of the present between the society's need for stability and its needs for change. It is also submitted that "greater community interest" or "interest of the collective" or "social order" would be the principle to recognise and accept the right of one which has to be protected.

22. The Managing Trustee of the Dargah had filed counter wherein it is stated that the said dargah was in the name of "Hazarath Sulthan Sikkandar Badhusha Sahib". People believe if they visit dargah with a wish, the same is answered, then people perform sacrifices of goat and hen, prepare food and serve communal feasts. This practice is prevailing for several generations and continue to be integral part of the dargah religious practice. Several suits were filed and the rights of the temple and dargah were recognised. In one such suit the dargah is entitled to install electric posts. In spite of decrees, some groups create problems and disrupt the communal harmony. On 25.12.2024 one Syed Abuthahir along with his family members had brought a goat to perform the traditional Kandoori ceremony at the dargah situated at hill. But the police personnel confiscated the goat citing prohibition. When the santhanakkoodu festival for the year 2024 was

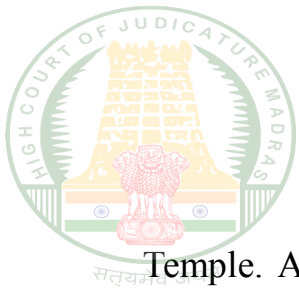


scheduled on 01.01.2025 till 18.01.2025. But on 26.12.2024 a Peace Committee was convened based on the letter of 6th respondent. In spite of opposition the meeting was conducted on 28.12.2024 and the 4th respondent arbitrarily issued an order restricting the height of the flagpole, otherwise the height would be 17 feet. When the dargah objected, another peace committee meeting was convened on 31.12.2024, however the object mentioned is santhakoodu festival and not other Kandoori related issue. During the meeting the 4th respondent RDO had insisted to produce records for conducting santhakoodu festival and kandoori, hence the dargah objected and boycott the meeting. The respondents had taken decision without the dargah consent and passed the order dated 31.12.2024 that due to 3rd respondent objection regarding Kandoori practices, lack of sufficient documentation, the dargah was directed to seek remedy through civil courts. Certain Hindu organisations initiated false propaganda campaign claiming that there was no historical precedent for offering kanthoori at dargah, thereby disrupt communal harmony. But the local residents stated that the kanthoori is in practice. Further kanthoori is practiced in all dargahs and temples in India and the same is fundamental right. Such offerings are strictly confined to designated areas within dargah premises only and are not conducted anywhere else. The 6th respondent repeatedly calling for peace meeting is unwarranted in spite of judgments in favour of the dargah. The 6th respondent had restricted the essential maintenance work



and prayers timings from 6 am and 6 pm and imposed unjust restrictions. Hence prayed to dismiss the writ petition.

23.(i) The Executive Officer of Tiruparankundram Temple had filed written submissions for each writ petitions and the comprehensive and consolidated submission is that the Tiruparankundram Temple is a religious institution coming under the direct control and supervision of HR&CE Department and administered by Trust Board appointed by the Government along with the Executive Officer appointed by the Department. The Temple comes under “Senior Grade Temple” and also referred as cave temple, dedicated to “element of earth” and mentioned in various classical Tamil text as the Southern Himalaya, where the gods assembled in Tiruparankundram to watch marriage celebration of Lord Murugan with Devasena. For many centuries, the Tamil people have considered the temple as most auspicious place for their own marriages during the time of Panguni Uthram. The temple had filed various suits in order to establish its rights. In one such suit filed in O.S.No.506 of 1975 the prayer is that the dargah is attempting to construct was obstructing water flow. Even though the suit was dismissed, it was observed that the material dumped by the persons claiming right under Dargah have removed the same on telegram complaint given by the



Temple. Aggrieved over the findings, the temple had filed A.S.No.39 of 1980, wherein the appeal was allowed setting aside the judgment of Trial Court and also liberty was granted to file fresh suit. It is pertinent to state that the suit property is only Odai like depression 250 feet east to west and by 5 feet North to South in between the flagstaff and not the entire hillock. In the year 2000 there was an attempt to put up constructions and lights in the Hill. Hence a suit is O.S.No.39 of 2000 was filed and the same was transferred and renumbered as O.S.No.447 of 2004 on the file of District Munsif, Tirumangalam, against the dargah and local administration seeking permanent injunction to restrain the dargah from putting up any construction or from lighting works in hill. And the said suit was decreed on 19.04.2011. And an appeal in A.S.No.173 of 2011 was preferred and the decree was modified, wherein the dargah was directed to inform the temple and after their permission the dargah was permitted to get electricity connection.

(ii) The Dargah attempted to include the place as Tourism Centre, the same was challenged in W.P.(MD)No.11556 of 2008 and the said writ petition was dismissed on 10.12.2009. One more attempt was made by hosting flag over the top of the Dargah beyond the permitted limit, hence in peace committee meeting dated 25.06.2021 it was directed to adhere to the direction taken in 2011 peace committee meeting. The dargah had challenged the same in W.P.(MD)No.11001 of



2021 and the same was dismissed on 04.08.2021. The contention of the Dargah to put up street lights from bottom of the hill to Nellithoppe and to Dargah was already considered in A.S.No.173 of 2011, wherein it is held that the Dargah can put up street lights from the hill to Nellithoppe to Dargah on their own funds after informing the temple and after taking permission from the temple. But the said decree was not executed and implemented. Further it is stated by the temple that any person is permitted to visit the hill from 8 am to 6 pm only. After 6 pm no person can climb the hill due to security purpose. If no person is allowed to claim the hill after 6 pm lighting the hill is not necessary. Moreover, general public staff of the temple were not permitted to stay in night hours in the hill. As far as providing roads, drinking water supply and toilet to Kasi Vishwanath Temple is concerned, the temple has rejected for laying such road, drinking water supply and toilet since it will seriously cause damage to the hill. If any damage is caused then it will hurt the worshippers since it is believed that the hill itself considered as Sivalingam. Infact there was a request from general public create road facility to access Kasi Viswanathar temple and the temple had rejected the request. Therefore, the request of dargah to provide road facility cannot be granted. As far as providing toilet facility is concerned the contention of the temple is that if toilet facilities is provided at top of the hill then huge pipeline ought to be erected on the hill to carry drainage waste and the same would seriously affect the



holiness of the hill and such facility is not provided in Kasi Viswanathar temple also. Therefore, the request of the temple to grant toilet facility cannot be granted.

As far as providing drinking water facility is concerned, the contention of the temple is that even the temple in order to protect the holiness of the Hill is providing minimum drinking water facility at Kasi Vishwanath Temple by carrying water manually and also duly instructed the devotees who visit Kasi Vishwanathar Temple to carry water on their own. Hence if Dargah is willing to carry water manually on day-to-day basis through the hill pathway of Temple, there is no objection for the same. Even as per A.S.No.173 of 2011 the dargah is only entitled to get electricity connection and not road, drinking water, toilet facilities.

(iii). The further submission of the temple is that it is false to state lakhs and lakhs of devotees would visit every year the Santhana Kodu Festival in large numbers to the Dargah, but only few would visit. Further, it is pertinent to note in the year 2015, A search was conducted by Police at Dargah. Some explosive substance were seized and Crime No.10 of 2015 was registered under section 4 and 5 of Explosive Substance Act and after investigation cognizance were taken in S.C.No.192 of 2017 on the file of VI Principal District Judge, Madurai. After



trial the accused were acquitted on the ground of benefit of doubt. But the preliminary investigation would reveal the fact that explosive substance was seized from Dargah. If the explosives blasted would have caused huge damage to the Secretary Hill. The temple further stated that due to Law and Order issue created between Hindus and Muslims, there is a restriction to the general public to visit the place where Karthi Deepam is lightened during the month of Karthikai, since it is situated on the Hill Path to reach Dargah.

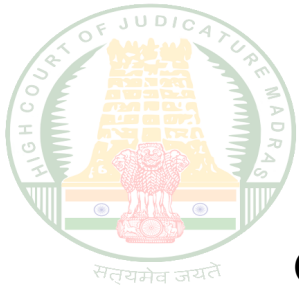
(iv). As far as W.P.(MD)No.15565 of 2023 is concerned the temple had stated that pursuant to directions of the Court necessary police protection was granted by the police on 29.06.2023 to the temple, foot hill and Nellithope. The temple staffs were on duty to ensure there is no hindrance caused to the general public in the pathway and accordingly around 8.55 am to 9.40 am totally 113 Muslims participated in the prayer, in which 13 persons belong to Bihar as per police information and the prayer was conducted on the said date and completed. It is pertinent to note from records and in orders passed by High Court, from the very beginning the Dargah was making attempts to grab the entire Hill by making false claim. The temple administration have taken steps to prevent the illegal attempts. The prayer in the writ petition is not to permitted to conduct prayer and the said grievance of the petitioner is that addressed. Hence the petition may be



disposed.

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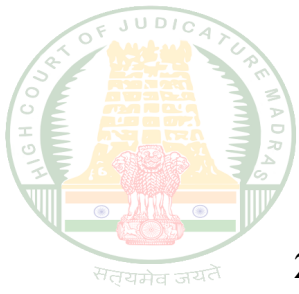
(v). The temple specifically denied the permission sort by the Dargah for conducting new rituals and festivals on the top of the hill, since for conducting new rituals and festivals, no space is available within the space allotted to them. Hence the dargah is trying to conduct the prayer by occupying the holy hill of the temple and the same cannot be permitted. Further, the main deity is inside the hill as a temple in a cave temple. Therefore permitting anyone to occupy the top of the hill would affect the sanctorum of the main deity. Further on the top of the hill, Kasi Vishwanath Temple, Macha Muni (who is one of the 18 Siddhars) along with Holy Theeram is available and it is the duty of the temple to maintain the holiness of the hill. Hence the temple administration will not grant permission to Dargah for conducting any new rituals or festivals which were not conducted prior to the date of Privy Council judgement. At no point of time conducting Kandoori by the Dargah was recognised in the orders passed by the High Court or by the competent Authority. Further, Durgah has not raised such right before any suit and Privy Council. Only recently the Dargah is making attempt to conduct Kandoori festival, which cannot be permitted. Any claim to conduct festival or rituals ought to have been done prior to the judgement of the Privy Council and that alone can be allowed.



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(vi). As far as the claim of dargah to rename the hillock as Sikandar Malai cannot be permitted since all Government records and records maintained by the temple were mentioned as Tiruparankundram Malai and not Sikandar Maalai. The Dargah is spreading false information in social media and trying to create unnecessary chaos.

(vii). As far as the claim as Jain Hills is concerned, the city of Madurai was host to some of the earliest Jain Monastic community in India and they continued until 10th century. In classical Tamil poetry the city is formerly known as Kudal and then changed to Madurai which roughly coincides with the proliferation of Jain monastery and temples inside and outside the city, including the Jain Hill sites known as the Eight Great Hills. Inscriptions referring to the city as Southern Madhura can be identified with the counterpart to the Jain centre of Mathura in Uttar Pradesh. The images belong to 8th and 9th centuries. The Sangam period ranges from 3rd century BCE to 3rd century CE. The cave temple is dedicated to earth element and the hill is called Southern Himalaya. Therefore the temple is prior to the Jain caves. Further the Jains were not party in any of the earlier suit and their rights ought to be recognised. However, the said monument would be protected as per directions of archaeological department.



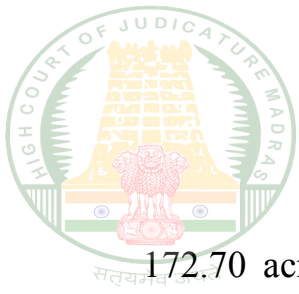
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24. The impleading petitioner namely **Social Democratic Party of India (SDPI)** had filed counter wherein it is stated that the writ petition is not maintainable, petitions are misconceived, abuse of process of law. The petitions under PIL is motivated communal animosity. They seek interference with religious rights protected under Articles 25 and 26 of the Constitution of India. It is settled law that members of one religion have no locus standi to challenge or interfere with the religious practices of another faith (*Sardar Syedna Taher Saifuddin Saheb v. State of Bombay, AIR 1962 SC 853*). Furthermore, the petitions amount to a clear violation of the Place of Worship (Special Provisions) Act, 1991, which prohibits alteration of the religious character of places of worship as they existed on 15.08.1947. The dargah's has historical and legal rights and the same is recognised in earlier suits. The rituals like Kanthoori animal sacrifices, tonsuring, and communal feasts are have been continuously observed and it is established custom and longstanding ritual customs. There is no disturbance to Public Order or Law and Order which is evident from the counters filed by the Commissioner of Police and the District Collector. The Supreme Court in *Ashwini Kumar Upadhyay v. Union of India* (2024 Order) has directed courts to exercise caution against entertaining disputes that attempt to alter the religious character of places of worship. The actions of the Dargah, including



animal sacrifice during Kanthoori, are integral religious practices protected by the Constitution. The authorities convened peace committee meetings, recognized the rights of the Dargah, and preserved communal harmony. Further there is no overlapping or encroachment on temple lands, since the Dargah is located on the southern side peak, while the Subramaniya Swamy Temple and Kasi Viswanathar Temple are situated at different locations. Thus, no religious practices of one community impinge upon the sacred spaces of another. The Courts are barred from adjudicating such issues that attempt to alter the religious character of a place as it existed on 15.08.1947. Hence prayed to dismiss the petitions filed by other side with exemplary cost and to recognise the religious practices of dargah and to protect the same.

25. The counter filed by the Archaeological Department states that the Rock cut caves and inscription on the southern side of the Tirupanrankundram Rock was declared as protected monument under the Ancient Monuments Preservation Act, 1904 through the Gazette Notification No.474 dated 01.09.1908. Likewise, the cavern with Panchapandava beds on western slopes of the hills and similar beds behind the Sikkandar Mosque on the top is also declared as protected monument under the Ancient Monuments Preservation Act, 1904 through the Gazette Notification No.43 dated 20.02.1923 comprising the total extent of



172.70 acres. After independence, the Ancient Monuments and Archaeological Sites and Remains Act, 1958 was enacted and the above protected monuments would come under this Act. Further stated that there are no religious activities reported in the two protected monuments as per records. In general animal sacrifice is not a practice in mosques or dargah, hence question of permitting animal sacrifice at Sikkandar Dargah does not arise, if it is a practice being followed at this place it ought to be treated as unauthorised and violative of law. The said Sikkandar Bhadusha Dargah is mentioned as mosque in the gazette notification, hence conversion of mosque to dargah is not authorised. Furthermore, stated steps were taken to survey the land and demarcate the protected area, but the 1st and 2nd respondents did not give permission to survey. Hence the Archaeological Department prayed to direct the 1st and 2nd respondents to allow to survey the entire land and demarcate the protected area as per the documents attached.

26. There are other impleading petitions and the averments in the said impleading petitions are covered in the above pleadings.

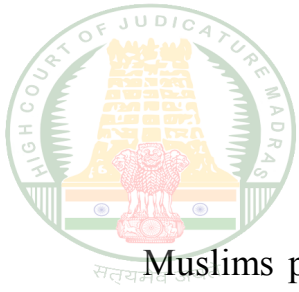
DISCUSSION AND FINDINGS:

27. It is pertinent to mention that while making their respective submissions



all the petitioners and the respondents admitted that there is a decree in favour of plaintiff temple regarding Tiruparankundrum Hill, a decree in favour of the government and local bodies regarding streets and a decree in favour of dargah regarding Nellithope. Hence based on the aforesaid decree in O.S.No.4 of 1920, all the parties to the present lis submitted that they are inclined to have public harmony. Any breach to the said decree would lead to disrupting the public harmony. Now the Court proceeds to consider each writ petitions.

28. The prayer in W.P.(MD)No.15565 of 2023 is for direction to respondents 1 to 7 to take action against 8th respondent not to conduct prayer or any other gathering in Neelithope at Arulmigu Subramaniaswamy Temple. At the time of admission, the Court had granted interim direction to file a report. The temple had filed a report stating that on 22.04.2023 a prayer was conducted for Ramzan and on 29.06.2023 a prayer was conducted for Bakrith, but there was no practice to the said effect from time immemorial and it is done in recent years. In the written submission of the temple, it has been stated that police protection was granted by the police on 29.06.2023 to the temple, foot hill and Nellithope. The temple staffs were on duty to ensure there is no hindrance caused to the general public in the pathway and accordingly around 8.55 am to 9.40 am totally 113



Muslims participated in the prayer, in which 13 persons belong to Bihar as per police information and the prayer was conducted on the same date and completed.

From this it is evident that prayer will not be conducted during Ramzan or Bakrith and it was newly started practice. Further it is seen from the pleadings and the photos produced before this Court that there is no space for conducting prayer with lakhs and lakhs of people, hardly 100 or so people can be accommodated in the place. If lakhs and lakhs of people are coming (as claimed by the dargah) then necessarily the prayer would be conducted by occupying the pathway which leads to Kasi Viswanathar temple and also by occupying other places belonging to the temple, which will definitely lead to breaching the decree granted in O.S.No.4 of 1920. Therefore, this Court is of the considered opinion that the dargah was not having any such practice to conduct any prayer during Ramzan, Bakrith or any other Islamic festival in the dargah. And it is a new practice and the same cannot be allowed. Consequently the writ petition is allowed.

29. The prayer in W.P.(MD)No.2277 of 2025 and the prayer in W.P.(MD)No.2678 of 2025 are similar and both prayers to prevent animal sacrifice. In addition the W.P.(MD)No.2678 of 2025 prayers that the dargah cannot change the name of the hill as Sikkandar Malai. As far as the claim as Sikkandar Malai, it is seen in the O.S.No.4 of 1920 the Court had categorically held that the name of the hill as “Tiruparankundram Hill”. All the revenue records are in the name of



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“Tiruparankundram Hill”. When the hill is named as “Tiruparankundram Hill”, some persons claiming themselves as “Madurai Muslim United Jamath and Political Party Organisation” had issued a pamphlet that they are going to conduct feast in “Madurai Tiruparankundram Sikkandar Malai Hazarth Sikkandar Badusha Pallivasal”. The pamphlet is extracted hereunder:

மதுரை திருப்பரங்குன்றம்
சிக்கந்தர் மலை ஹஜரத் சிக்கந்தர்
பாதுஷா பள்ளிவாசலில்
மத வழிபாட்டு
உரிமையை
காக்க
சிக்கந்தர் மலையில்
ஆடு கோழி அறுத்து
சமூக நல்லிணக்கத்திற்கான
சமபந்தி விருந்து
18
2025
10.30 மணி
மதுரை வாழ் அனைத்து மத சகோதரர்களும்
இஸ்லாமிய சகோதரர்களும் திரளாக கலந்து
கொள்ளுமாறு அன்புடன் கேட்டுக் கெளகிரியம்
ஹஜரத் சுல்தான் சிக்கந்தர் பாதுஷா
தர்கா பள்ளிவாசல்.
மதுரை முஸ்லிம் ஐக்கிய ஜமாத் மற்றும்
அரசியல் கட்சி கியக்கங்கள்



The said pamphlet is definitely mischievous and an attempt to change the name of the Tiruparankundram Hill.

30. As far as the animal sacrifice is concerned the claim of the dargah is that the Kandoori is a form of animal sacrifice which practice is being conducted for long time. But it is the claim of the temple and the petitioners that no such practice was followed at all. In order to consider this issue, it is relevant to peruse the pleadings of the petitioners and the counters filed by the respondents. The affidavit filed by the petitioner states that no such practice was followed at all. The counter affidavit filed by the dargah in W.P.(MD)No.2277 of 2025 states that there were objections for such Kandoori animal sacrifice. Further the santhanakkoodu festival for the year 2024 was scheduled on 01.01.2025. Hence a peace committee meeting was called for, even though the notice states that peace committee meeting is for santhanakkoodu festival, the Kandoori animal sacrifice was also raised, hence the dargah people boycotted the meeting. The RDO had taken the submissions of the temple as well as the other interested persons and held that there is no documentary evidence that Kandoori animal sacrifice was carried on in the Nellithope and had passed an order directing the dargah to approach the civil court for the remedy. If the dargah had followed the practice of



Kandoori animal sacrifice there will be some evidence to prove the same. The dargah had not produced any evidence. Interestingly the counter filed by the Commissioner of Police and the District Collector (which is replica), states that the Kandoori animal sacrifice was followed, the skinning and dressing was done by one Paramasivam. The said Paramasivam's father was doing the skinning and dressing for very long years, followed by Paramasivam and they would do the skinning and dressing for Kandoori animal sacrifice also. If that is so, then the same ought to be considered by letting in evidence, the Paramasivam ought to be produced as witness. In such circumstances, the Court is of the considered opinion that the RDO is right in coming to conclusion that the parties ought to approach Civil Court to establish whether Kandoori animal sacrifice was an established practice in Sikkandar Dargah.

31. Interestingly it is seen that there is no meat stall in Sannadhi Street, around 300 meters from the temple there is no meat stall, there is no broiler chicken stall for more than 300 meters. Infact most of the marriage halls in Tiruparankundram do not allow non vegetarian cooking at all. All these facts state how the devotees protect the holiness of the Tiruparankundram Hill and the Subramaniya Swamy Temple. It is pertinent to note, if the dargah had followed the



Kandoori animal sacrifice, then the same would have been followed without the knowledge of the petitioners, temple and others who oppose the practice. When the pamphlet was issued then it came to the knowledge of the petitioners, temple and others, hence there is opposition for the practice of Kandoori animal sacrifice.

32. A counter argument was submitted that in Hinduism also animal sacrifice is prevailing for which Alagarkovil was cited as an example. Of course, it is prevailing in Pathinettampadi Karuppanasamy and not in Alagarkovil and not for the deity Alagar. And also, not for Arulmigu Solaimalai Murugan Temple at Pazhamudircholai. Therefore, the said argument is not acceptable.

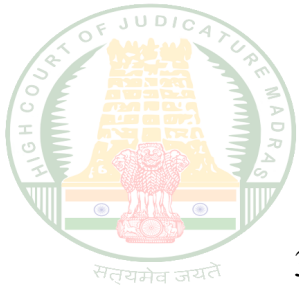
33. Now the crucial question arises if the prayer cannot be conducted during Ramzan, Bakrith or any other Islamic festival and Kanthoori animal sacrifice is not given in the dargah, then what is being followed in the Sikkandar Dargah. The dargah is celebrating Santhanakoodu festival on every 17th day of Ramzan month. This is evident from the literature of the dargah itself, wherein it is stated after narrating the history of the Sikkandar dargah and Erwadi dargah, that the dargah celebrates Santhanakoodu festival on 17th day of Ramzan month. Generally during the Santhanakoodu festival the people would visit the tomb



adorned it with sandalwood paste, shawl, flowers and sprinkle scents. And sandalwood paste and other materials would be collected from the devotees and the same would be offered on the tomb.

34. Having held so, this Court is of the considered opinion that the pamphlet stating slaughtering of goat and chicken in Sikkandar Dargah is definitely mischievous and malicious. The same would clearly lead to communal disharmony. Further the people who came to dargah with the malicious pamphlet had painted the Jain caves in green paints. Also the sign boards stating “Way to Kasi Viswanathar Temple” was also painted with green paints. These acts are carried on by the people who issued the malicious pamphlet is highly condemnable. The official respondents are directed to take action against the persons involved in such malicious act.

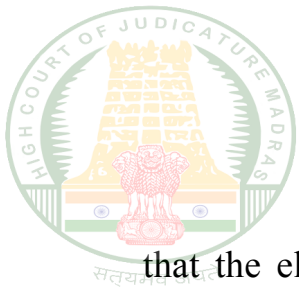
35. Therefore, this Court has held that there is no such practice of Kanthoori animal sacrifice in Sikkandar Dargah. If at all they practice, the dargah may approach appropriate civil court to establish such practice. The W.P.(MD)No. 2277 of 2025 and W.P.(MD)No.2678 of 2025 are answered accordingly.



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36. In **W.P.(MD)No.3703 of 2025** the contention of the Jain is that the Tiruparankundram ought to be declared as Samanar kundru. Since this Court has already held the name is only Tiruparankundram Hill, the same cannot be changed as Samanar Kundru. Accordingly, the prayer to change the name as Samanar Kundru is rejected and the writ petition is dismissed. However, the Jain Caves in the Tiruparankundram Hill ought to be protected. It is submitted by the petitioners and the Archaeological Department that the said caves were painted in green by some miscreants. Further issued the malicious pamphlet. The Learned Counsel appearing for the Archaeological Department submitted that the allegation of painting is true, thereafter the Department had removed the green paints and restores the caves to its original nature. Therefore, the official respondents is directed to protect the Jain Caves.

37. The **W.P.(MD)No.8523 of 2017** is filed seeking electricity connection, road, drinking water supply and toilet facilities. As far as electricity connection is concerned already there is a decree in A.S.No.173 of 2011 wherein it is held that the connection may be availed after informing the temple and after getting their permission. The dargah has not filed any execution petition and as on date the limitation to execute the decree has lapsed. However, the temple has explained



that the electricity connection is not necessary since after 6 pm the people are prohibited from climbing the hill. Even the temple staffs are not allowed to go up in the hill. If people are allowed to climb after 6 pm and during night hours then only the electricity connection is necessary, if not allowed the electricity connection is not necessary.

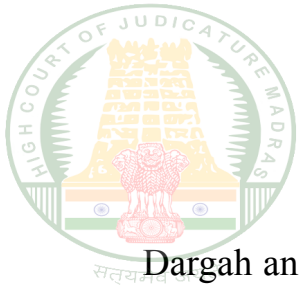
38. It is seen already some explosive substances were seized and Crime No. 10 of 2015 was registered under section 4 and 5 of Explosive Substance Act and after investigation cognizance were taken in S.C.No.192 of 2017 on the file of VI Principal District Judge, Madurai. Even though the accused were acquitted on the ground of benefit of doubt, the fact remains some explosive substance was seized from Dargah. Further Law and Order is created between Hindus and Muslims regarding Karthi Deepam and hence there is a restriction to the general public to visit the place. When there is security issues and when there is Law and Order problem, then the temple is right in not allowing any persons after 6 pm. Consequently electricity connection is not necessary for both the Kasi Viswanathar Temple and Dargah.

39. The next claim of dargah is the facility of road, drinking water supply



and toilet. But the contention of the temple is that the hill would be damaged if road is laid and pipeline is laid for drinking water supply. As far as providing toilet facility the contention of the temple is that if toilet facilities is provided at top of the hill then huge pipeline ought to be erected on the hill to carry drainage waste and this also would damage the hill. If any damage is caused then it will hurt the worshippers since it is believed that the hill itself considered as Sivalingam. The temple also stated that similar request for laying road was received from the Hindus and the same was rejected citing the same would damage the hill. Hence the same reason would be applicable to dargah also. At this juncture it pertinent to note even as per A.S.No.173 of 2011 the dargah is not entitled to road, drinking water, toilet facilities. The temple further stated that in order to protect the holiness of the Hill the temple is providing minimum drinking water facility at Kasi Vishwanath Temple by carrying water manually and also duly instructed the devotees who visit Kasi Vishwanathar Temple to carry water on their own. The reasons stated by the temple is acceptable and therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

40. The **W.P.(MD)No.23198 of 2023** is filed not to interfere the Petitioner's day-to-day administration of Hazarath Suithan Sikkandar Badhusha Avuliva



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Dargah and Mosque and consequently to direct them not to prevent from carrying the renovation works and the present construction works in the place of the said Dargah and Mosque situated at the Top Hill. The prayer in the writ petition is vague. A blanket order directing the police “not to interfere” cannot be granted. As far as renovation work is concerned, it is seen that the temple is taking permission from the HR&CE Department. Then the Dargah ought to take permission from some authority. Since the Archaeological Department is bound to protect the already declared “protected monument” in Tiruparankundram Hill, then it would be appropriate to take the permission of the Archaeological Department. Therefore, the Dargah is directed to take permission from the Archaeological Department, the 4th respondent in W.P.(MD)No.3703 of 2025.

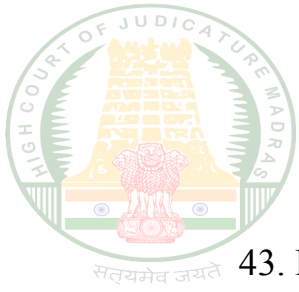
41. It is seen that an attempt was made to quarry the hill as early as 1879 and another attempt was made in the year 1908. Further it is seen that there is Gazette Notification No.474 dated 01.09.1908 and Gazette Notification No.43 dated 20.02.1923 declaring the Rock cut caves and inscription on the southern side of the Tiruparankundram hill and the cavern with Panchapandava beds on western slopes of the hills and similar beds behind the Sikkandar Mosque on the top are protected monuments. In such circumstances, there shall be total



prohibition from doing any quarry of the Tirupanrankundram Hill.

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42. The Archaeological Department is seeking a direction to conduct survey of the entire Tirupanrankundram Hill and demarcate the protected monuments. There was similar prayer before the Court in W.P.(MD)No.11001 of 2021, but it was submitted by Learned Additional Advocate General that it may not be possible, since the same would raise communal tension. The Court is of the considered opinion that survey ought to be conducted at least to know the details of protected monument. If the rock cut cave, Panchapandava beds, Jain caves, Subramaniaya Swamy temple, Kasi Viswanathar temple, Arumugaha Swamy temple, Sikkandar Dargah are surveyed and demarcated in the Tirupanrankundram Hill, the same would indicate the religious harmony. Therefore, the 1st and 2nd respondents in W.P.(MD)No.3703 of 2025 are directed to allow the 4th respondent Archaeological Department to survey the Tirupanrankundram Hill, demarcate the protected monuments stated supra, demarcate the dargah, demarcate the temple and note all physical features along with measurements and the said exercise shall be completed within a period of one year and a report may be submitted to the Court.



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43. For the reasons stated supra, the Court is passing the following orders:

- i. The Tirupanrankundram Hill shall be continued to call as Tirupanrankundram Hill alone.
- ii. The Tirupanrankundram Hill shall not be called either as Sikkandar Malai or as Samanar Kundru.
- iii. Any quarrying of the Tirupanrankundram Hill is hereby prohibited.
- iv. The Dargah is directed to approach Civil Court to establish their practice of Kandoori animal sacrifice as well as prayer during Ramzan, Bakrith and other Islamic festival was prevailing prior to O.S.No.4 of 1920. However, the dargah is allowed to do the Santhanakodu festival.
- v. Since no body is allowed after 6 pm to Kasi Viswanathar Temple and Sikkandar Dargah, electricity connection is not necessary.
- vi. The hill would be damaged if road, drinking water supply and toilet are granted, hence the same shall not be granted. However, for drinking water

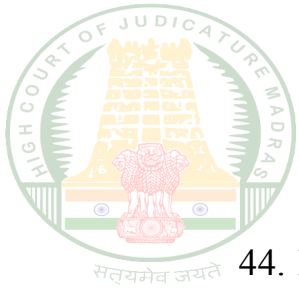


supply the temple shall carry water manually and also duly instruct the devotees who visit Kasi Vishwanathar Temple to carry water on their own. Likewise the dargah shall carry water manually and also duly instruct the devotees who visit Kasi Vishwanathar Temple to carry water on their own.

vii. The prayer seeking direction against police officials not to interfere is vague prayer and blanket order of not to interfere cannot be granted and the same is rejected.

viii. For any construction or renovation work of Dargah, the Managing Trustee shall approach the Archaeological Department, if the Dargah is intended to put up construction and reconstruction.

ix. The 1st and 2nd respondents in W.P.(MD)No.3703 of 2025 are directed to allow the 4th respondent Archaeological Department to survey the Tirupanrankundram Hill, demarcate the protected monuments stated supra, demarcate the dargah, demarcate the temple and note all physical features along with measurements and the said exercise shall be completed within a period of one year and a report may be submitted to the Court.



44. In the result, W.P.(MD)No.2277 of 2025 is allowed, W.P.(MD)No.2678 of 2025 is allowed, W.P.(MD)No.3703 of 2025 is dismissed, W.P.(MD)No.8523 of 2017 is dismissed, W.P.(MD)No.15565 of 2023 is allowed, W.P.(MD)No.23198 of 2023 is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

45. In light of the difference of opinion that has arisen on the legal issue, place the matter before the Hon'ble Chief Justice for appropriate orders.

[J.N.B., J.] [S.S.Y., J.]
24.06.2025

Index : Yes / No

Tmg

To

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner of Police,
City Police Commissioner Officer,
Alagar Kovil Road, Madurai.
3. The Deputy Commissioner,
Hindu Religious & Charitable
Endowments Department (HR & CE),
Arulmigu Subramaniya Samy Temple,
Thiruparankundram, Madurai.
4. The Revenue Divisional Officer,
Thirumangalam, Madurai District.



- 5.The Officer Incharge,
The Archeological Department,
Thirumayam, Pudukottai District.
- 6.The Inspector of Police,
Thiruparankundram Police Station,
Thiruparankundram, Madurai City.
- 7.The Tahsildar,
Thiruparankundram Taluk, Madurai.
- 8.The Secretary to Government,
Hindu Religious and Charitable
Endowments Department,
St. George Fort, Chennai.
- 9.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
- 10.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Ellis Nagar, Madurai.
- 11.The Commissioner of Police,
Office of the Commissioner of Police,
Thamaraihotti, K.Pudur, Madurai – 625 007.
- 12.The Commissioner,
Arignar Anna Maligai,
Madurai Corporation, Madurai-2.
- 13.The Deputy Commissioner,
Arulmigu Subramanian Swamy Temple,
Thirupparankundram, Madurai-5.
- 14.The Assistant Commissioner,
Zone No.4, Madurai Corporation, Madurai.

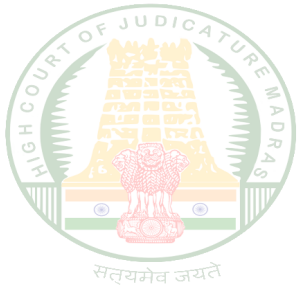


15. The Tourist Officer,
Tamil Nadu Tourism Development Corporation,
Madurai.
16. The Commissioner of Police,
Madurai City, Madurai.
17. The Assistant Commissioner of Police,
Thirupparankundram. Madurai.
18. The Chief Secretary,
Secretariat, Chennai-600009.
19. The Principal Secretary,
Tourism, Culture and Religious Endowments Department,
Fort.St.George, Secretariat,
Chennai-600 009.
20. The Principal Secretary and Commissioner,
Department of Archaeology,
Government of India,
Tamil Valarchi Valagam,
Halls Road, Egmore, Chennai-600 008.
21. The Director General of Archaeological Survey of India,
Dharohar Bhawan,
24 Tilak Marg, New Delhi-110 001.
22. The Director General of Police and Head of Police Force,
Radhakrishnan Salai road,
Mylapore, Chennai-600004.
23. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai- 600 034.



24. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Ellis Nagar, Madurai.

25. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.



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W.P.(MD)Nos.2277 of 2025 and batch

J.NISHA BANU, J.

and

S.SRIMATHY, J.

Tmg

W.P.(MD)Nos.2277 of 2025 and batch

24.06.2025