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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-11-2026

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE M.D.SUMATHI

WP(MD) Nos.33993, 33994, 34002, 34010 & 34012 of 2026

CNR:{HCMD011708422026}

WMP(MD)Nos.26132, 26144, 26145, 26146, 26147, 26148, 26149 & 26150 of 2026

WP(MD) Nos.33993 of 2026 : -

J. Jaaswant S/o.Jawahar
Rani Illam, Iyyappan 1st Street,
Othakadai, Madurai.

..Petitioner(s)

Vs

1. The District Collector
   Madurai District, MaduraiMadurai

2. The Commissioner of Police
   Madurai City, Madurai

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

..Respondent(s)

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the District Collector, Madurai District and other stakeholders not to prevent, obstruct or impose any blanket restriction upon the devotees from witnessing the lighting of the Deepam at Deepathoon, Thiruparankundram Hill-top, from the surrounding ground-level public

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areas on 24.11.2026, which are outside the restricted Deepathoon site, and consequently direct the respondents to make necessary arrangements to facilitate the devotees to peacefully witness the lighting of the Deepam and undertake their customary religious observances, including Pournami Girivalam, without violating the specific directions issued by the Honble Supreme Court of India dated 20.11.2026, and thus render justice.

For Petitioner(s) : Mr.B.Prasanna Vinoth

For Respondent(s) : Mr.Gopal Sankaranarayanan, Senior Counsel for Mr.M.P.Senthil, Government Pleader for R1

Mr.John Sathyan, State P.P assisted by Mr.D.Venkatesh, APP for R2 & R3

WP(MD)No.33994 of 2026 : -

Malai Raja J, Plot No 2 Rakku Illam,
Vinayagar Kovil Street,
Nilaiyur, Thiruparankundram,
Madurai

..Petitioner(s)

Vs

The District Magistrate cum District Collector
MaduraiMadurai

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings in Roc.No.C3/2952850/2025 dated 23.11.2026 issued by the respondent under Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and quash the same and grant such other and further relief which this Honble

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Court deems fit and proper in the circumstances of this of this case and thus render justice.

For Petitioner(s) : Mr.R.M.Arun Swaminathan

For Respondent(s) : Mr.Gopal Sankaranarayanan,
Senior Counsel for Mr.M.P.Senthil,
Government Pleader

WP(MD)No.34002 of 2026 : -

Manojkumar, No.3-7,
South Street, Kilakuyilkudi Village,
Nagamalai Post, Madurai District - 625 019

..Petitioner(s)

Vs

1. Union of India, Through Its Home Secretary,
   Ministry Of Home Affairs,
   NDCC-II Building, Jai Singh Road,
   New Delhi-110 001

2. The Directorate General
   Central Reserve Police Force,
   Block No.-1, C.G.O. Complex,
   Lodhi Road, New Delhi - 110 003

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

4. The District Collector, Madurai District, Madurai

5. The Commissioner of Police, Madurai City

6. The Joint Commissioner,
   HR and CE Department, Madurai

7. The Superintending Archeologist
   Archeological Survey Of India,
   Trichy Sub-circle, Trichy - 620 002

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8. The Executive Officer, Arulmigu Subramanian Swamy Temple, Thirupparankundram, Madurai

9. The Board of Trustees,
Arulmigu Subramanian Swamy Temple,
Thirupparankundram, Madurai.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of MANDAMUS directing the 1st respondent to facilitate the respondents 3 to 9 with the help of CRPF to execute the orders passed by the Honble Supreme Court in Writ Petition(C)No.1280 of 2025 dated 20.11.2026 by ensuring the lightning of the lamp in Karthigai Deepam at Deepathoon situated at Thirupparankundram Hill, Madurai on 24.11.2026 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s) : Mr.K.Rajeshwaran

For Respondent(s) : Mr.M.Karthikeya Venkatachalapathy DSGI (i/c) for R1 & R2 & R7

Mr.P.V.Balasubramaniam, Additional Advocate General assisted by Mr.M.Kannan, Special Government Pleader for R3 & R6

Mr.R.John Sathyan, State P.P assisted by Mr.D.Venkatesh, APP for R5

Mr.Gopal Sankaranarayanan, Senior Counsel for Mr.M.P.Senthil, Government Pleader for R4

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WP(MD)No.34010 of 2026 : -

S. Paramasivam, Flat No.2787,
TNHB Mela Anuppanadi,
Madurai - 625 009

..Petitioner(s)

Vs

1. Government of India, Rep. By Its Secretary,
   Ministry Of Home Affairs, New Delhi

2. The State of Tamil Nadu, Rep. By Its Secretary,
   Home Department, Fort St. George,
   Chennai-600 009.

3. The Commissioner,
   Hindu Religious And Endowment Department,
   Uthamar Gandhi Salai, Chennai-600034

4. The District Collector, Madurai District,
   Collectorate, Madurai- 625020

5. The Commissioner of Police
   Madurai City Police, Alagarkoil Road,
   Madurai- 625 002

6. The Executive Officer
   Arulmigu Subramania Swamy Temple,
   Thirupparankundram,
   Madurai

7. The Devasdhanam Board
   Thirupparankundram Subramaniasamy Temple,
   Rep. By Its Chairman,
   Arulmigu Subramaniasamy Temple,
   Thirupparankundram,
   Madurai District

8. The Superintending Archeologist
   Archeological Survey Of India,
   Malai Kottai, Trichy

..Respondent(s)

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PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of CERTIORARIFIED MANDAMUS, calling for the records pertaining to the order promulgated by the 4th respondent in Roc. No. C3/ 2952850/2025 dated 23.11.2026 and quash the same as ultravires and consequently directing the 2nd and 4th respondent herein to strictly adhere to the directions issued in Writ Petition (C)No.1280 of 2025 dated 20.11.2026 by the Honble Supreme Court and pass.such other further orders that would be deem fit in the circumstances of the case and thus render justice.

For Petitioner(s) : Mr.K.P.S.Palanivelrajan,
Senior Counsel for Mr.P.Subbiah

For Respondent(s) : Mr.M.Karthikeya Venkatachalapathy DSGI (i/c) for R1 and R8

Mr.P.V.Balasubramaniam,
Additional Advocate General assisted by Mr.M.Kannan, Special Government Pleader for R2 & R3

Mr.R.John Sathyan, State P.P assisted by Mr.D.Venkatesh, APP for R5

Mr.Gopal Sankaranarayanan,
Senior Counsel for Mr.M.P.Senthil,
Government Pleader for R4

WP(MD)No.34012 of 2026 : -

Sivaprabaakaran, FFC 1, RCI Golden Apartment,
Madurai North, Vilangudi,
Madurai - 625 018

..Petitioner(s)

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Vs

1. The District Collector, Collectorate,
   Madurai - 624 020Madurai

2. The Commissioner of Police
   O/o. Commissioner Of Police,
   Ramaond Reserve Line,
   K.Pudhur, Madurai - 625 002

3. Union of India, Rep. By The Additional Director
   General, (CRPF), Road No. 10C,
   MP and MLAs Colony,
   Jubilee Hills, Hyderabad - 500 045

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order dated 23.11.2026 in ROC No.C3/2952850/2025 passed by the 1st respondent and quash the same as illegal, arbitrary, without application of mind and consequently direct the respondents to conduct the ceremony of Karthigai Deepam at Thiruparakundram by lighting Deepam at the Deepathoon in light of the order dated 20.11.2026 passed by the Supreme Court in Writ Petition(s) (Civil) No(s). 1280/2025 and batch and to pass such other suitable order and thus render justice.

For Petitioner(s) : Mr.Mr.J.Preetam,

For Respondent(s) : Mr.Gopal Sankaranarayanan,
Senior Counsel for Mr.M.P.Senthil,
Government Pleader for R1

Mr.R.John Sathyan, State P.P assisted by Mr.D.Venkatesh, APP for R2

Mr.M.Karthikeya Venkatachalapathy
DSGI (i/c) for R3

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COMMON ORDER
(By G.R. SWAMINATHAN J.)

The Hon'ble Supreme Court vide order dated 20.11.2026 directed that lamp shall be lit today (24.11.2026) at the Deepathoon atop the Thirupparankundram Hill. Apprehending that the Apex Court's order would not be implemented, these writ petitions have been filed. They cite the promulgation of prohibitory order dated 23.11.2026 under Section 163 of BNSS, 2023 issued by the District Collector, Madurai. They recall that this Court's order was defied last year and the present trend is disturbingly reminiscent of the said past.

2. Pursuant to our request, Sri Nishant Krishna, I.A.S., the District Magistrate and District Collector, Madurai appeared in person before us. The Hon'ble Supreme Court had appointed him as the Nodal Officer to coordinate and supervise the arrangements. He had also been directed to submit a brief report regarding compliance with its directions within three days after the event. Sri Nishant Krishna I.A.S., pointed out to us that the prohibitory order had been issued only to prevent unauthorised persons from climbing the Thirupparankundram Hill. He drew our attention to the specific recital in his order which clarifies that it shall not apply to anything done in pursuance of, or for giving effect to, the order

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of the Hon'ble Supreme Court dated 20.11.2026 in WP(C) No.1280 of 2025, SLP(C) No.27891-27910 of 2026 etc.,.

3. The District Collector made it clear that he had acted and that he will act in strict compliance of the Supreme Court's orders.

4. Article 144 of the Constitution of India mandates that all authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court. The District Collector is a civilian authority and Article 144 will squarely apply to him. Since officials brazenly defied judicial orders last year in connection with Karthigai Deepam event, we deem it necessary to remind the District Collector that he is a public servant who is answerable only to the Hon'ble Supreme Court of India in this case. He shall ignore any contra advice given by any other authority. We are sure that no law officer worth his salt will counsel him to act in contravention of the order dated 20.11.2026. No doubt, a Review Petition has been filed before the Hon'ble Supreme Court in respect of the order dated 20.11.2026. But no order has been passed in the said Review Petition. Let every official be appraised of the legal position delineated by the Hon'ble Supreme Court in ***Israr Ahmad Khan v. Amarnath Prasad (2026 SCC OnLine 322)***. Their Lordships

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Amanullah and R.Mahadevan, JJ., declared that while no fetter could be placed on preferring a review petition, it is a duty of the persons against whom a judicial order has been passed, to first comply with the order. It is not open to them to not comply with the order on the mere filing of a review petition. In other words, the law that has been laid down is that pendency of a review petition is not a ground for non-compliance. On the same lines is another order made in ***Reliance Industries Ltd., v. Vijayan (Contempt Petition (C) No.570 of 2022 in Crl.A.No.1167/2022***). None of the officials concerned, namely, Sri Nishant Krishna I.A.S., Sri Rajendran, IPS., Commissioner of Police, Madurai City, Sri Inigo Vijayan, Deputy Commissioner of Police, Thiru Shanmuga Sundaram, Chairman of Board of Trustees, Thirupparankundram as well as the Executive Officer of the Temple, can tomorrow plead that they could not comply with the order citing the filing of the Review Petition.

5. What is impugned is the prohibitory order issued under Section 163 of BNSS, 2023. The fear is that it may be enforced in a manner so as to frustrate the fundamental rights of the devotees under Article 25 of the Constitution of India. This apprehension has turned out to be unfounded in view of the fair submission made by Sri Gopal Sankaranarayanan, Senior Counsel, appearing for the State. He makes it clear that the

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devotees can very well go on Girivalam as per custom. They can very well go to the main temple at the foot hill for darshan. We take judicial notice of the fact that devotees gather to have darshan of the Deepam lit atop the Hill. Let us take the Yanaimalai near the High Court. Deepam is lit atop the Hill at at least three places. The Deepam would be burning even till the early hours of the morning. If devotees are prevented from circumambulating the Hill through the night so as to watch the burning of the Deepam, that would certainly affect their fundamental right under Article 25 of the Constitution of India. We, therefore, direct that the prohibitory order shall not be applied in such a manner so as to prevent the devotees from undertaking Girivalam or assembling at vantage points to have darshan of the Deepam. Of course, no one can climb up the Hill.

6. The Hon'ble Supreme Court in ***Gulam Abbas v. State of UP (AIR 1981 SC 2198)*** held that it would not be a proper exercise of discretion under Section 144 of Cr.Pc on the part of the Executive Magistrate to interfere with the lawful exercise of the right by a party on a consideration of those who threaten to interfere constitute a large majority and it would be more convenient for the administration to impose restrictions which would affect only a minor section of the community rather than prevent a larger section more vociferous and militant.

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7. Some of the counsel pointed out that this Court should come down heavily on those who openly call for defying and flouting the order of the Hon'ble Supreme Court. We find force in the said submission. Even a judicial order can be criticised. The criticism can even be strident. But no one can with impunity demand that the Supreme Court's order should not be implemented. We pass an injunction order which will be in the nature of a John Doe order restraining the members of the general public from calling for violating the aforesaid order dated 20.11.2026 passed by the Hon'ble Supreme Court.

8. Sri Gopal Sankaranayanan, Senior Counsel strongly submitted that this Court should not entertain these writ petitions because the Supreme Court is seized of the matter. He relied on as many as five decisions (***UOI v. Jaiswal Coal, (1999) 5 SCC 733, All India Judges' Assn. v. UOI (1993) 4 SCC 288, Chakkhan Lal v. State of U.P (1997) Scc OnLine All 1495, Deepak Dewvedi v. State of UP (All HC), Ajaypal Singh v. State of UP (W-C No.7052/2020 dated 27.02.2020-All HC***) in support of his contention that the petitioners should be advised to move the Hon'ble Supreme Court of India. According to him, the Supreme Court is capable of enforcing its own orders. In normal circumstances, we would certainly have endorsed the said stand of Sri Gopal

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Sankaranarayanan and shown the door to the petitioners. But for one fact. The Hon'ble Supreme Court is not having any sitting today on account of Guru Nanak Jayanti. The prohibitory order was issued only last night. The petitioners have not forgotten what happened last year. That is why, they have rushed to this Court. If the order of the Hon'ble Supreme Court is not complied with today, the matter becomes infructuous. The very purpose of passing the interim order dated 20.11.2026 was clarfied by in the following terms :

> ***"What weighs with us at this stage is the peculiar nature of the occasion and the proximity of the festival, which is scheduled to take place on 24.11.2026. The opportunity to perform the ceremony on that particular day, if denied, cannot be restored by any subsequent adjudication.."***

It is this observation and reasoning set out in the Supreme Court's order that impelled us to seek response from the District Collector. The High Court is also one such judicial authority covered under Article 144 of the Constitution of India (***Spencer & Co.Ltd v. Vishwadarshan Distributors (P) Ltd., (1995) 1 SCC 259).*** The order of the Hon'ble Supreme Court is clear and unambiguous. When the petitioners apprehend that the State

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may direct the officials concerned to defy the court's order, we cannot ignore the same. Our past experience teaches us that this apprehension may not be without basis. It is also well settled that writ petition would lie to enforce a judicial order (***WP(MD)No.30465 of 2026 dated 23.10.2026***). The Hon'ble Supreme Court in ***Deokinandan Prasad v. State of Bihar (1983) 4 SCC 20*** observed that the State cannot be permitted to play ducks and drakes with a solemn decision of the Court. The officials concerned, namely, The District Collector, Madurai, The Commissioner of Police, Madurai City, the Executive Officer of the Temple and the Trustees of the Temple have a duty to comply with the Supreme Court's order. We have only reminded the authorities of their constitutional obligations. We have done nothing more. Since the learned Senior Counsel Sri Gopal Sankaranarayanan on instructions from the State officials clarified that the order of the Hon'ble Supreme Court would be complied with, there is no need for us to entertain these writ petitions. We, however, express our hope that the persons who have been unlawfully detained by the police such as Advocate Kutralanathan of Tirunelveli would be set at liberty without any delay. After all, personal liberty is sacrosanct.

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9. These writ petitions stand disposed of accordingly. No costs.

(G.R.S.,J.) (M.D.S.,J.)
24-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SKM

Note : Issue order copy today (24.11.2026)

To

1. The District Collector, Madurai District
   Madurai, Madurai

2. The Commissioner of Police
   Madurai City, Madurai

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

4. Union of India, Through Its Home Secretary,
   Ministry Of Home Affairs,
   NDCC-II Building, Jai Singh Road,
   New Delhi-110 001

5. The Directorate General
   Central Reserve Police Force,
   Block No.-1, C.G.O. Complex,
   Lodhi Road, New Delhi - 110 003

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

7. The Joint Commissioner,
   HR and CE Department, Madurai

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7. The Superintending Archeologist
   Archeological Survey Of India,
   Trichy Sub-circle, Trichy - 620 002

8. The Executive Officer, Arulmigu Subramanian Swamy Temple, Thirupparankundram, Madurai

9. The Board of Trustees, Arulmigu Subramanian Swamy Temple,
   Thirupparankundram, Madurai.

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G.R.SWAMINATHAN, J.
AND
M.D.SUMATHI, J.

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24.11.2026

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