

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.12.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.3593 of 2025
in
W.P.(MD)No.32468 of 2025

V.Sithan Balraj

... Petitioner / Petitioner

Vs.

1. Mr.A.Saravanan, IAS.,
District Collector,
Dindigul District.

... Contemnors / 3rd Party

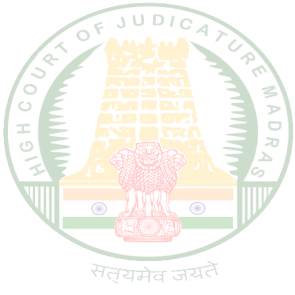
2. Mr.Thirumalai,
Revenue Divisional Officer,
Dindigul District, Dindigul.

3. Mr.Muthumurugan,
Tahsildar, Athur Taluk,
Dindigul.

4. Mrs.Subathradevi,
Inspector of Police,
Chinalapatti police station,
Dindigul District.

... Contemnors / Respondents 2 to 4

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors / respondents 1 to 4 for willful disobedience of the order in W.P.(MD)No.32468 of 2025 dated 02.12.2025.



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For Petitioner : Mr.KPS.Palanivel Rajan, Senior Counsel,
for Mr.P.Manikandan.

For Respondents : Mr.Ajmal Khan,
Additional Advocate General,
assisted by, Mr.S.S.Madhavan,
Additional Advocate General.

Mr.S.Ravi,
Additional Public Prosecutor.

* * *

ORDER

It is a sad day for the Madurai Bench of the Madras High Court and a sadder day for the Rule of Law.

2.One Sithan Balraj filed WP(MD)No.32468 of 2025 seeking permission to conduct Karthigai Dheepam festival at the petition-mentioned site which is in the immediate vicinity of Kalamman temple at Perumal Kovilpatti, Dindigul District.

3.The site in question has been named as Mandu Kovil and is comprised in Survey No.780/12. A mere look at the FMB sketch would show that the existence of Mandu Kovil has been acknowledged by the revenue authorities themselves. In the village in question, Christians are in majority and Hindus are in minority. All that the Hindu community of



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Perumal Kovilpatti Village want is that they should be allowed to celebrate Karthigai festival in a place where has been recognised as Mandu Kovil in the revenue record itself. There is also a "Peedam" in the said site. Even while allowing the writ petition, I made it clear that the Hindu community will not be allowed to put up any permanent structure or raise any new construction. In other words, status quo recognised in the revenue record should be allowed to continue. Since the site in question had been barricaded, bushes have grown. I, therefore, permitted the petitioner to clear the bushes so that the site can be readied for celebration. This writ petition was allowed by me yesterday and the order copy was also issued. I specifically noted that by permitting the Hindu community to celebrate the event for few hours today and tomorrow, the rights of the Christian community will not in any way be affected. This is all the more so because the Christian community has no claim over the said site.

4.I had not ordered execution of any person. I had not ordered demolition of any building or structure. By complying with the order of this Court, no irreversible consequence would ensue.



5.The right of any Hindu of Perumalkovilpatti to offer worship and celebrate the religious festival is definitely a fundamental right recognised by Article 25 of the Constitution of India. The said Article reads as follows :

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

I specifically mandated the jurisdictional police to ensure that the devotees' right to celebrate the event and offer worship at the petition-mentioned site is upheld.

6.The order of this Court was not only not complied with but brazenly defied. The District Collector, Dindigul had issued proceedings dated 02.12.2025 the operative portion of which reads as follows:-

“6.Therefore, with a view to maintain law and order, and to avoid disturbance to the public tranquility, I do hereby, promulgate orders under Section 163(1) BNSS, prohibiting any assembly of five or more persons or procession, except with the prior permission of the undersigned, for a period of two days from 3rd December 2025 to 4th December 2025, and also prohibiting, entry of outsiders into the Perumalkovilpatti, H/o.Ambathurai Village of Athoor Taluk, Dindigul District for a period of two days from



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3rd December 2025 to 4th December 2025 in order to maintain law and order, public peace and tranquility in Perumalkovilpatti, H/o.Ambathurai Village of Athoor Village, Dindigul District. And persons from both the communities are ordered not to enter in the land in question.”

7.I had passed the order sitting in Single Bench. So long as my order is not stayed or set aside by the Hon'ble Division Bench of this Court or by the Hon'ble Supreme Court, it has to be complied with in letter and spirit. The Executive cannot sit in judgment over the order I had passed. The District Collector does not exercise appellate jurisdiction over me. He cannot and he dare not pass an order which would have the effect of nullifying my order. When I use the words “I” or “my”, they are not to be taken in any personal sense. I am only referring to this august institution.

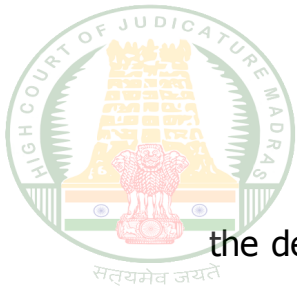
8.Let me remind the respondents that the Hon'ble Supreme Court in a very recent Judgment dated **09.05.2025 in SLP(C)Nos. 10056-10057 of 2025(TATA Mohan Rao Vs. S.Venkateswarlu and Others Etc.)** had observed that when a Constitutional Court or for that matter, any Court issues any direction, every person or authority regardless of rank, is duty bound to respect and comply with that order.



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Disobedience of the orders passed by the court attacks the very foundation of the rule of law on which the edifice of a democracy is based. His Lordship The Hon'ble Mr.Justice B.R.Gavai, the then Chief Justice of India remarked that they were confirming the conviction under the Contempt of Courts Act, 1971 only to send across the right message. It was observed by His Lordship that a clear message should be sent so that no one, howsoever high they may be, may think that they are above the law.

9. There is another hard-hitting judgment of the Kerala High Court in Contempt Case (c) No.2615 of 2019 vide order dated 08.12.2020 rendered by His Lordship Mr.Justice P.B.Suresh Kumar. Several paragraphs of the judgment deserve to be quoted verbatim. The learned Judge observes that a judgment or a direction of a court is of no use if it is not enforceable. The judiciary has no machinery of its own to enforce its judgments and directions. In a country, the Constitution of which is built on the principle of rule of law, if the State does not implement the directions of the court, that will be the end of the rule of law and there would be a constitutional stalemate. The Constitution fastens on all authorities a non-negotiable obligation to enforce orders of the court and the authorities who are bound to be comply with the orders have no discretion whether or not to abide by



the decision of the Court, whatever be the reasons for the same. The

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High Court is the highest court in the State. The Constitution confers on the High Court vast powers to ensure that constitutional guarantee of justice to all is truly fulfilled. This depends on the respectful and faithful obedience of its commands by the executive. The Hon'ble Judge went to the extent of indicating that if the direction of the court is not complied with, the DIGP, Group Centre, CRPF, Pallipuram shall take over the religious institution. The Assistant Solicitor General of India was directed to communicate the order to the DIGP, Group Centre, CRPF, Pallipuram.

10. Neither the District Collector, Dindigul nor the Superintendent of Police, Dindigul can take the frivolous plea that they were not parties in WP(MD)No.32468 of 2025 and hence, the order of this Court will not bind them. I am sure that the learned Law Officers herein would enlighten them that even a stranger or a third party may be involved in a contempt if he is found aiding or abetting or otherwise obstructing the enforcement of the court's order (vide **1991 SCC Online Mad 3, V.C.Shukla v. TN Olympic Associations**). By passing the order dated 02.12.2025, the District Collector, Dindigul has *prima facie* committed contempt. The District Collector has forbidden the usual religious celebrations even. Nothing can be a grosser breach

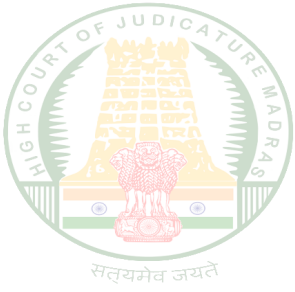


of the fundamental rights of the individual Hindus of Perumalkovilpatti.

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11.It is true that Article 25 opens with the clause "subject to public order". But this expression should be understood appropriately. It is quite possible that there are customs that are inherently immoral and which may pose a threat to public order by themselves. Public order or law and order or public tranquility cannot be used as a figleaf to stifle the legitimate rights of the citizens. The police exist to uphold rights. Those who create trouble must be put down. If the administration and the police prevent persons from exercising their legitimate rights on the ground that it would give rise to law and order issues, that would be a confession of impotence. This remark was made several decades ago by Justice Phillips in ***Venkata Subbaya v. Muhammad Falauddin Khaji (AIR 1927 Mad 611)***.

12.I originally proposed to stop with calling upon the District Collector, Dindigul and the Superintendent of Police, Dindigul to offer their explanation. But Shri.M.Ajmalkhan, the learned Additional Advocate General insisted on making submissions. The learned Additional Advocate General submitted that a volatile situation prevails on the ground and that is why, the District Collector had passed this order.



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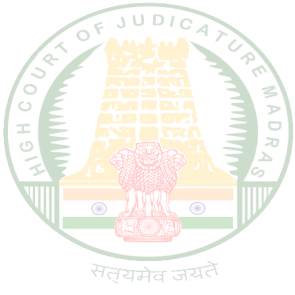
13.Only after hearing him, I have dictated this order. The figleaf of law and order situation will not deter this Court from enforcing its order. I direct Thiru.Saravanan, IAS, District Collector, Dindigul and Mr.Pratheep, IPS, Superintendent of Police, Dindigul District to appear in person today at 3.15 pm and explain what led them to defy the order of this court. Based on the explanation that may be given by them, I will decide whether contempt was committed.

14.Shri.Ravi, learned Additional Public Prosecutor and Shri.Madhavan, learned Additional Government Pleader are directed to communicate this direction to the respective officers concerned without waiting for the certified copy of this order.

03.12.2025

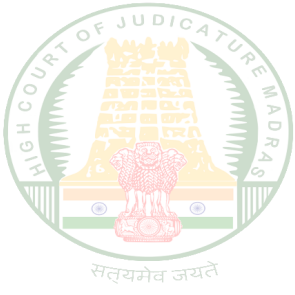
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Dindigul District.
2. The Revenue Divisional Officer,
Dindigul District, Dindigul.
3. The Tahsildar, Athur Taluk,
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4. The Inspector of Police,
Chinalapatti police station,
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G.R.SWAMINATHAN,J.

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