

W.P(MD)No.30834 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30834 of 2025

K.Rajamani

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious Charitable Endowment,
Dindigul.

2.The Tahsildar, Athur Taluk, Dindigul.

3.The Inspector of Police,
Chinalapatti Police Station,
Dindigul District.

4.Suresh Perkmans

... Respondents

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 vide impugned in Na.Ka.No.23/2025/AA3 dated 24.10.2025 passed by the second respondent and quash the same as illegal and consequently directing the second respondent to gave permission for “Annathanam” for Kaliyamman Temple Kumbabisekam on 03.11.2025 at Survey No.202/3, village common ground (Sunkasavadi Ground), N.Panchampatti Village, Dindigul District.



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For Petitioner : Mr.P.Manikandan

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

Mr.M.Lingadurai,
Special Government Pleader for R2

Mr.A.Albert James,
Government Advocate (crl.side) for R3

Mr.A.John Vincent for R4

ORDER

Heard both sides.

2.The writ petitioner is a resident of N.Panchampatti Village, Dindigul District. Kumbabisekam for a Hindu Temple in the village is to be held on 03.11.2025. In connection with the said event, the petitioner wants to conduct “Annadhanam (distribution of food)”. In the vicinity of the temple, there is an open ground in S.No.202/3. The petitioner requested the second respondent to permit him to organize the event in the said open ground. The Tahsildar, Athur Taluk rejected the petitioner's request vide order dated 24.10.2025 and allotted him an alternative site which happens to be a public road ie., N.Panchampatti to Munnilaikottai Road. Challenging the said rejection order, this writ petition has been filed.



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3.Ms.Subathra, the Inspector of Police, Chinnalapatti Police

Station is present in person. Her stand is that if the event is allowed to be conducted in the petition-mentioned ground, it will give rise to law and order issues. The learned Special Government Pleader appearing for the Revenue also endorsed the same.

4.The learned counsel appearing for the fourth respondent, representing the Christian community, submitted that on a portion of the ground in question, a stage was constructed 100 years ago and that it is known as pascha stage. Every year, during Easter festival, programs and dramas are held on the said stage. To watch the same, people assemble in the ground opposite to the stage. According to him, Hindus were never allowed to use the ground in question for any religious purpose. He drew my attention to the proceedings of the Tahsildar, Dindigul Taluk drawn in August, 1912. The fourth respondent has also filed a detailed counter-affidavit and the learned counsel took me through its contents. He pointed out that in the year 2017, a peace committee meeting was convened and that it was resolved therein not to conduct any function except the ones that have been permitted over the last 100 years. His specific stand is that there should not be any departure or deviation from the said stand.



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5.I carefully considered the rival contentions and went through the materials on record.

6.In Paragraph No.7 of the counter-affidavit filed by the fourth respondent himself, it has been admitted that the open space in front of the pascha stage belongs to the panchayat. The learned Special Government Pleader categorically submitted that the land comprised in S.No.202/3, N.Panchampatti Village has been classified as “vacant site / grama natham” and that it belongs to the government. In fact, this aspect of the matter had already been clarified by the Hon'ble Division Bench vide order 23.04.2021 in W.P.(MD)No.6008 of 2021 (***K.Rajasekar Vs. The District Collector, Dindigul and Others***). When a private individual representing the Christian community attempted to put paver block on the ground in question, the Hon'ble Division Bench made it clear that no construction shall be put up in S.No.202/3.

7.When the land in question is not a patta land but belongs to the Government, it should be available to all sections irrespective of religious or communal background. It is admitted that the Christian community has been using the ground on the occasion of Easter. The



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stand of the fourth respondent is that this has been the practice for more than 100 years and that there cannot be any departure from this.

8.We are a secular, democratic republic. Our Constitution came into force on 26.01.1950. Any pre-constitutional arrangement that is not in accord with the constitutional provisions and ethos cannot be allowed to continue. A public ground should be available for the use of all communities or none. I cannot accept the submission that while Christians can use the ground on Easter but Hindus cannot conduct Annadhanam in the very same place. It is not as if on the occasion of Easter, the Hindus want to conduct Annadhanam or any other event in the very same ground. I would go to the extent of observing that when it comes to Easter celebrations, the Christian community alone should be allowed to use the ground. If anybody else seeks permission to use the ground on the said occasion, it should be refused. But on 03.11.2025, the ground is actually available for use. I posed a direct question to the respondents if by permitting the petitioner to hold the event on 03.11.2025 in the petition mentioned ground, the rights of the Christian community would be affected. While the official respondents answered in the negative, the counsel for the fourth respondent chose to remain silent. He could not submit that the rights of the Christian community will be affected.



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9.I hold that if a public ground belonging to the State is available for use of the general public, a particular section cannot be excluded from using the same. If the sole ground of exclusion is religion, it certainly would offend Article 15 of the Constitution of India.

10.Probably realising that refusal on this ground would invite the ire of this Court, the official respondents have taken shelter behind the plea of “law and order”. When a bible study centre was sought to be put up and there was opposition, the Hon'ble Division Bench vide order dated **29.01.2025 in W.A.(MD)No.694 of 2020** made it clear that right under Articles 25 and 26 of the Constitution of India cannot be denied or taken away on a mere objection or apprehension of law and order. What applies to the establishment of a bible study centre will equally apply for holding an Annadhanam event in connection with Kumbabisekam.

11.The Hon'ble Madras High Court in the decision reported in **1986 SCC OnLine Mad 191 (Annamalai Ayee Chatram Vs. Authorised Officer, Thanjavur)** cited the earlier Division Bench decision **(Thangavelu Udayar Vs. Avudaiyarkoil Annchathram) (STA 315 of 1977 dated 11.08.1982)** for the proposition that performing



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Dharmam-especially Annadhanam-is to seek salvation, in other words

Moksham and it would amount to observance of a religious character.

Hindu tradition (Justice Nainar Sundaram who professed Christianity used the expression “**our** Hindu tradition”) does not draw a line of distinction between religion and charity and charity is always regarded as part of religious observance.

12.Viewed from this perspective, the right to hold Annadhanam can even be brought within the scope of one's fundamental right under Article 25 of the Constitution of India. When it comes to upholding fundamental rights, it is the duty of the local administration to stand in aid of the same. If any law and order problem arises, the same must be dealt with appropriately. The police should not choose the easy option of stifling the fundamental rights.

13.And a century back, Justice Phillips in Venkata Subbaya v. Muhammad Falauddin Khaji, 1926 SCC OnLine Mad 524 dealt with a similar situation. The entire order deserves to be extracted verbatim :



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“1. It appears that for some years past there has been considerable friction between the Hindu and Muhammadan inhabitants of Nellore. This was due to the objections taken by the Muhammadans to music being played outside their mosques while the Hindus were taking religious processions through the streets. In 1917 the then District Magistrate considered the question and advised the Hindus to file a suit to establish their rights. They accordingly filed a suit in the Munsif's Court in the same year and obtained a decree on 2nd October, 1918. That decree was subsequently confirmed by the District Judge on appeal. In this decree their right to take procession with music outside the mosques was declared, subject to certain conditions as to time. Accordingly in 1919, a procession was taken but owing to the action of some of the Muhammadans there was a riot and three persons were killed and other injuries inflicted.

2. Since that time, no procession has been taken by the Hindus, apparently because they were afraid to do so without special permission from the Magistracy and the Magistracy has declined to give that permission. An order has now been passed by the Subdivisional Magistrate under Section 144 of the Cr PC, forbidding the Hindus to conduct a procession on 13th January, 1926. The application for leave to take the procession was made so early as October 1925. The Sub-divisional Magistrate, while recognising no doubt the rights of the Hindus to take the procession, held that the likelihood of rioting and



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bloodshed was too great to allow them to exercise their lawful rights. This seems to me to be a confession of impotence on the part of the authorities. The District Magistrate is undoubtedly the person who is to look after the peace of his district and naturally in cases of sudden emergency it may be necessary to restrict a person from exercising a perfectly lawful right. But it should not be necessary to prevent that person not only in a particular occasion in the near future but for all time from exercising that right because it would be too much trouble to render him adequate protection against persons who intend to disobey the law.

3. Any interruption of the procession by the Muhammadans so long as it is conducted in accordance with the decree of the civil Court is undoubtedly an infraction of the law and for the Government to state that they are not prepared to prevent the infraction of the law and to restrain law-breakers from interfering with lawful rights is practically to abdicate all authority. Orders under Section 144 of the Cr PC, are certainly not intended to be used as a means of depriving the citizens of lawful rights which have been declared by competent Courts. In the present case the procession that is sought to be taken is fixed for the 13th January, 1926, and consequently it would now be very difficult for the authorities to take adequate steps to prevent any interference with the procession. I do not therefore propose to set aside the present order as it is too late in the day. But I am far from saying that a similar



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order should be passed hereafter. If the Hindus apply again to take procession and give reasonable notice to the authorities that they propose to do so I think it would be incumbent on the authorities to take such action as will protect the rights of the Hindus. The Muhammadans may have to be bound over to keep the peace or it may be necessary to introduce armed force to compel them to do so. But whatever may be necessary should be done in order to protect the rights of the Hindus who, I may say, have been very careful not to exceed their rights and have even offered to pay the extra cost incurred by the Government in protecting their rights.

4. While therefore I cannot set aside this order at the present moment owing to the fact that there is no time to take steps to protect a breach of the peace I have expressed my views as to what should be the procedure hereafter. If the time had not been so short, I should have set aside the present order.

5. Petition dismissed."

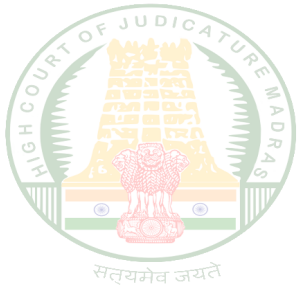
14. In the village in question, there are 2500 Christian families. On the other hand, there are only 400 Hindu families. The Hindus are grossly outnumbered by the Christians. That is why, it appears that the Inspector of Police states that since Christians are opposing the holding of the event in the petition-mentioned ground, there will be law and order



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problems. It is a very sorry state of affairs. In every religious event, there must be participation from the other religionists also. When a Christian friend celebrates Christmas, I should greet him first. I remember an occasion when a Muslim friend prepared only vegetarian Nonbu Kanji so that I can have the same. Needless to say, I relished it. Such is the beauty of our culture. Such interactions alone will ensure inter-religious harmony. Unless such cultural and civilisational unity is demonstrated in practice, there will not be peace in society.

15.The Tahsildar, Athur Taluk has permitted the petitioner to conduct annathanam. The site alone is the bone of contention. Serving food by seating the public on the road would definitely not be in order. The ground in question belongs to the State ; by holding the event in the said place, the rights of third parties will not at all be affected. Hence, the impugned order is accordingly interfered with. The petitioner is permitted to hold the Annadhanam event in the ground in question. He can also make appropriate arrangements. But the ground should be handed over back in the very same condition in which it was entrusted. I direct the Superintendent of Police, Dindigul to ensure that the event passes off peacefully.



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16.This writ petition is allowed accordingly. No costs.

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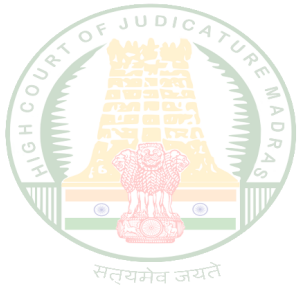
31.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
IAS/SKM

Note : Issue order copy today (31.10.2025)

To

- 1.The Joint Commissioner,
Hindu Religious Charitable Endowment,
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- 3.The Inspector of Police,
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G.R.SWAMINATHAN, J.

SKM

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