



CONT P(MD) NO. 3594 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-12-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

CONT P(MD) No.3594 of 2025

in

W.P.(MD)No.32317 of 2025

and

Sub A(MD)No.527 of 2025

Rama.Ravikumar, S/o.S.Ramar, Ward No.5,
9/36, Nehruji Street, (Santhana Mariamman Kovil Street),
Ezhumalai, Peraiyur Taluk
Madurai District.

Petitioner

Vs

1.K.J.Praveenkumar IAS,
District Collector, Madurai.

2.J.Loganathan IPS,
Commissioner of Police, Madurai City.

3.Yagna Narayanan, Executive Officer,
Arulmigu Subramania Swamy Temple,
Thirupparankundram,
Madurai.

4.The Union Home Secretary,
Government of India, New Delhi.

Respondents

(R4 suo motu impleaded vide
order dated 09.12.2025)



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For Petitioner(s):

Mr.G.Karthikeyan, Senior Counsel
Mr.KPS.Palanivelrajan, Senior Counsel
for Mr.RM.Arun Swaminathan

For Respondent(s):

Mr.J.Ravindran, Addl. Advocate General,
Assisted by Mr.S.S.Madhavan,
Addl. Government Pleader for R1

Mr.Vikas Singh, Senior Counsel and
Mr.Veera.Kathiravan
Addl. Advocate General,
Assisted by Mr.S.Ravi,
Addl. Public Prosecutor Pleader for R2.

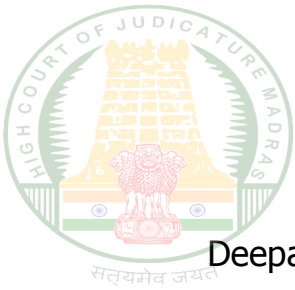
Mr.Jothi, Senior Counsel for
Mr.V.Chandrasekar for R3

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish upon the Contemnors/Respondents No.1,2 and 4 for willful disobedience of the order passed by this Honourable Court in WP(MD) No.32317 of 2025 dated 01.12.2025 according to law.

ORDER

Heard both sides.

2.Vide order dated 01.12.2025 in WP(MD)No.32317 of 2025 etc., this Court directed Arulmighu Subramaniya Swamy Temple devasthanam, Thiruparankundram, Madurai to light the Karthigai



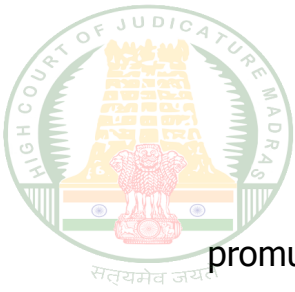
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Deepam at the petition mentioned site known as Deepathoon from this year onwards. The jurisdictional police were tasked with the responsibility of ensuring compliance of the said order.

3. When it became clear that the order of this Court would not be enforced, this contempt petition came to be filed on 03.12.2025. Since Shri.J.Ravindran, the learned Additional Advocate General argued that the contempt petition was filed prematurely, the matter was passed over to be taken up at 06.05 P.M. The direction was that the Deepam should be lit at 06.00 P.M at the Deepathoon. Since the temple management made it clear that they would not abide by the order of this Court, the writ petitioner was allowed to go up the hill and light the lamp. The CISF Personnel attached to the Madurai Bench of the Madras High Court were directed to escort the petitioner and offer protection.

4. Thiru.J.Loganathan, IPS, Commissioner of Police, Madurai City and the entire police force assembled in the vicinity of the temple physically stopped the writ petitioner and their associates from carrying out the court's order. The stand of the police was that in view of the

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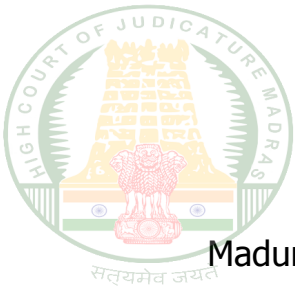
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promulgation of the order dated 03.12.2025 under Section 163 of BNSS, 2023 by the District Magistrate and District Collector, Madurai (K.J.Praveen Kumar, IAS), the order of this Court could not be enforced.

5.The matter was taken up on 04.12.2025. This Court viewed the promulgation of the prohibitory order by the District Collector, Madurai as overreaching the order passed by this Court. After citing the relevant constitutional provision and judicial precedents, the prohibitory order was quashed. The petitioner was once again permitted to go up the hill to light the lamp at the Deepathoon with his associates and other petitioners numbering ten. The direction given on 03.12.2025 by this Court was reiterated with a modification since the Hon'ble Division Bench in the meanwhile had dismissed LPA(MD)No.8 of 2025 filed by the State against the direction given in this contempt petition on 03.12.2025.

6.Once again, the order of this Court was not complied with. Instead of Thiru.J.Loganathan, IPS, Commissioner of Police, Madurai City, Thiru.A.G.Inigo Divyan, the Deputy Commissioner of Police,

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Madurai South took the centre stage. He made it clear that he would not permit the petitioners to go up the hill. That is why, Sub A(MD)No. 527 of 2025 has been filed to arraign him as a contemnor. This Sub Application is allowed and statutory notice is directed to be issued to Thiru.A.G.Inigo Divyan.

7.This contempt petition was listed again on 05.12.2025. It was submitted that questioning the primary order passed in the main writ petitions writ appeals have been filed and that they had been listed already before the Hon'ble Division Bench. It was further submitted that the State had filed SLP before the Hon'ble Supreme Court challenging the order dismissing LPA (MD)No.8 of 2025. Recording the said submission, this Court adjourned the contempt petition to 09.12.2025. Report was also sought from the CISF Commandant who accompanied the writ petitioners on 03.12.2025.

8.Today when the matter was taken up for hearing, the Deputy Commandant, CISF Contingent attached to this Court submitted report to the effect that the police Commissioner accompanied by more than

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200 police personnel stopped the CISF Contingent from proceeding further. One reason assigned by the Police Commissioner was that the order of this Court did not bear the signature of the Judge. A further stand was taken that in view of the prohibitory order issued by the District Magistrate, no person can be allowed to go up the hill.

9.At least on 03.12.2025, the State Police had the excuse of taking shelter behind the prohibitory order passed by the District Magistrate on the same day. But the Police had no defense whatsoever for refusing to enforce the order of this Court on the next day. The prohibitory order had been quashed and the order was dictated in the presence of the Police Commissioner. That is why, Thiru.J.Loganathan, IPS chose to be absent from the spot and handed over the baton to his deputy Thiru.A.G.Inigo Divyan.

10.The Hon'ble Supreme Court in the decision reported in **(1997) 3 SCC 443 (Tayabbhai M. Bagasarwalla and anr v. Hind Rubber Industries Pvt. Ltd)** held as follows :



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“28...where an objection to jurisdiction of a civil court is raised to entertain a suit and to pass any interim orders therein, the Court should decide the question of jurisdiction in the first instance but that does not mean that pending the decision on the question of jurisdiction, the Court has no jurisdiction to pass interim orders as may be called for in the facts and circumstances of the case. A mere objection to jurisdiction does not instantly disable the court from passing any interim orders. It can yet pass appropriate orders. At the same time, it should also decide the question of jurisdiction at the earliest possible time. The interim orders so passed are orders within jurisdiction when passed and effective till the court decides that it has no jurisdiction to entertain the suit. These interim orders undoubtedly come to an end with the decision that this Court had no jurisdiction. It is open to the court to modify these orders while holding that it has no jurisdiction to try the suit. Indeed, in certain situations, it would be its duty to modify such orders or make appropriate directions. For example, take a case, where a party has been dispossessed from the suit property by appointing a receiver or otherwise; in such a case, the Court should, while holding that it has no jurisdiction to entertain the suit, put back the party in the position he was on the date of suit. But this power or obligation has nothing to do with the proposition



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that while in force, these orders have to be obeyed and their violation can be punished even after the question of jurisdiction is decided against the plaintiff *provided* the violation is committed before the decision of the Court on the question of jurisdiction.”

11. When the matter was taken up today (09.12.2025), Shri. Vikas Singh, the learned Senior Counsel, submitted strongly that the reasons that impelled this Court to adjourn the proceedings on 05.12.2025 still hold good and that therefore, this Court may adjourn the proceedings to a convenient date next week. He pointed out that the Hon'ble Division Bench had agreed to take up the main writ appeals on 12.12.2025. It is his further submission that the auspicious dates for lighting the Deepam had already passed.

12. I am not able to agree with what Shri. Vikas Singh, the learned Senior Counsel has submitted. I first proceeded on the premise that the Hon'ble Supreme Court was seized of the matter. It turns out that the State filed an SLP before the Hon'ble Supreme Court in a defective manner. The learned Senior Counsel appearing for the petitioners would make a snide comment that even signature was not taken from



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one of the parties. I posed a specific question as to who could answer as to when the SLP would be listed. Shri.Vikas Singh, the learned Senior Counsel, voluntarily responded that the State does not want to raise the same issue in different Fora and that he may even withdraw the SLP.

13.I, therefore, conclude that as of this moment, the Hon'ble Supreme Court is not seized of the issue.

14.I adjourned the proceedings on 05.12.2025 because the writ appeals had not been taken up by the Hon'ble Division Bench. After the contempt petition was adjourned, the writ appeals came up for hearing before the Hon'ble Division Bench on 05.12.2025. Admittedly, no interim order has been obtained by the appellants. The corollary is that the order passed by this Court is still holding good. In these circumstances, harking back to the reasons set out in the order dated 05.12.2025 can be of no avail. Both the reasons no longer hold good.

15.Normally when the order passed by this Court is taken up on appeal, breathing time is given to the party concerned. That is why, the Additional Advocate Generals as well as the Senior Counsel appearing

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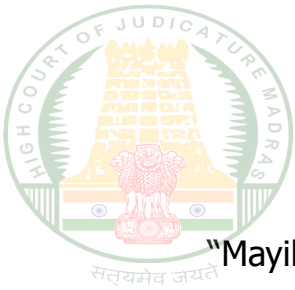
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for the contemnors argued that since the main writ appeal itself is likely to be taken up on 12.12.2025, this Court may keep its hands off.

16.This submission overlooks a fundamental factual development. After passing the main order in the writ petitions, directions were issued in contempt petition on 03.12.2025. That was confirmed by the Hon'ble Division Bench on 04.12.2025. The directions given on 03.12.2025 were reiterated on 04.12.2025. In these circumstances, pendency of the writ appeals without there being any interim order, cannot by itself operate as a stay. I have to be mindful of the fact that LPA(MD)No.8 of 2025 was dismissed by the Hon'ble Division Bench confirming the order made in the contempt petition on 03.12.2025.

17.Though this contempt petition pertains to the disobedience exhibited by the District Administration and the Commissioner of Police on two occasions, I cannot lose sight of the larger reality. I had passed an order on 26.11.2025 in WP(MD)No.32323 of 2025 filed by one K.S.Chandrasekhar. In Painkulam Village in Killiyur Taluk in Kanyakumari District, there is a hill. The said hill has been described as

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"Mayiladum Parai" in registered documents. A murugan statue installed on the hill was removed on the direction of the District Collector, Kanyakumari District. One Thiru.Wilson representing the Christian community of the village had given a complaint based on which the direction was issued. I allowed the writ petition in the following terms :

"6.I have to take a serious view of the action taken by the authorities. The District Collector, Kanyakumari District could not have issued such direction without putting the interested parties on notice. The hill in question according to the writ petitioner, is known as Mayiladum Paarai. Mr.Wilson who is present in person states that the hill does not have any such name. However, the encumbrance certificate as well as the documents filed before this Court clearly refer the hill as "Mayiladum Paarai". Mr.Wilson would state that the word HMS inscribed on the hill refers to "Sudhesa Missionary Sangam "HMS" affiliated to Kanyakumari CSI Diocese. In support of this claim, he produced a copy of the pamphlet dated 21.11.1980 and inscription dated 29.05.1988. HMS according to him is Home Missionary Society. On the other hand, the petitioner has produced a copy of the Certificate of Registration of Societies indicating that a society in the



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name of “Kanyakumari District Hindu Mission Society” (HMS) was registered on 26.10.1979 (Serial No. 27 of 1979). Whether HMS refers to Hindu Mission Society or Home Missionary Society is a matter of controversy. Unless enquiry is held, it cannot be decided either way.

7.It is also seen that a complaint was lodged way back in 1981 that the statue of Murugan had been unlawfully removed. That gave rise to the registration of FIR (Crime No.9 of 1981 on the file of the Pudhukadai Police Station). In fact, the jurisdictional police also confirm this. Complaints were received from Hindus as well as Christians. It was Mr.Wilson who was the complainant even then. Thus, the materials on record show that the two communities are at loggerheads. The District Collector ought not to have acted with alacrity on the complaint lodged by one party and directed removal of the statue. This is highly illegal and a clear violation of the principles of natural justice. On this sole ground, the direction issued by the District Collector is quashed. The status quo ante has to be restored. I direct the official respondents not to interfere with the reinstallation of the statue at the place where it was originally there. The petitioner and others can very well carry on with



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consecration ceremonies. However, no further construction shall be put. This order does not give any further right to the petitioner and his fellow community members. I am satisfied that there was a Murugan Statue on Mayiladum Parai and it shall be reinstalled. Even roofing cannot be put.

8.It is not in dispute that the hill in question is a Government poramboke and none of the parties can claim any right over the same. The parties are at liberty to seek adjudication of the the matter as per law.”

18.Even though the administration is aware that only status quo ante was ordered to be restored, till date, the administration has refused to enforce the order of this Court.

19.Another instance has to be recorded. Perumalkovilpatti is a village in Dindigul District. Christians are in a majority in that village. They have been preventing the Hindu Community from celebrating Karthigai Deepam in a tiny site located in the vicinity of the local Kalamman Temple. According to the Hindus, this site is known as “Mandu Kovil”. After hearing both the parties and after noticing that in



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the revenue record (FMB) maintained by the District Administration, the existence of the Mandu Kovil had been specifically mentioned, I allowed the writ petition on 02.12.2025. In order to frustrate the order passed by this Court, Thiru.Saravanan, IAS, the District Collector passed a prohibitory order which enabled the jurisdictional police to flout the direction given by this Court. That is a subject matter of a separate contempt proceedings.

20. Justice William O. Douglas remarked as follows :

“The judiciary has no army or police force to execute its mandates or compel obedience to its decrees. It has no control over the purse strings of government. Those two historic sources of power rest in the other hands.”

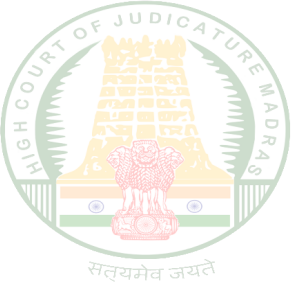
I notice a definite pattern. I am certain that officials at the District Level would not dare to so brazenly defy the orders of this Court. Let me remind the officials concerned that their duty is to enforce the law and not go by dictates that are often issued orally. While the order of any administrative superior has to be complied with, this obligation does not extend to illegal orders. I have already ordered notice in the contempt petition. It is beyond dispute that the order of this Court has



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been breached repeatedly. Such a breach would acquire a contumacious character only if it is willful. The officials concerned may have to explain why they behaved in the manner they did. But since such conduct is not confined to one District, I have to necessarily call upon the highest officers of the State to clarify the position. I would want to know from them if they propose to issue any circular or instructions for the guidance of the District level officers. I am not here to throw up my hands and helplessly cry "O Father, Forgive Them, for they do not know what they are doing". I direct the Chief Secretary, Government of Tamil Nadu and the Additional Director General of Police, Law and Order, Chennai to appear before this Court through VC on 17.12.2025 at 03.00 P.M.

21.The petitioners herein want to implead the Union Home Secretary. He is impleaded as fourth respondent accordingly. Shri.K.Govindarajan, the learned Deputy Solicitor General of India is directed to take notice for him. Based on the submissions/clarifications to be made by the Chief Secretary, Government of Tamil Nadu and the Additional Director General of Police, Law and Order, Chennai, I may seek inputs from the Union Home Secretary.



22.Call this case on 17.12.2025 for further directions.

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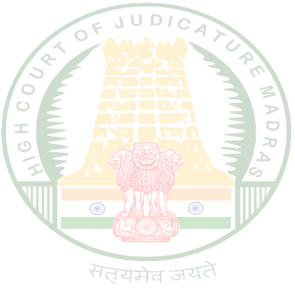
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Note : Issue order copy immediately.

To

- 1.K.J.Praveenkumar IAS, District Collector, Madurai.
- 2.J.Loganathan IPS, Commissioner of Police, Madurai City.
- 3.Yagna Narayanan, Executive Officer, Arulmigu Subramania Swamy Temple, Thirupparankundram, Madurai.
- 4.The Chief Secretary, Government of Tamil Nadu.
- 5.The Additional Director General of Police, Law and Order, Chennai.
- 6.The Union Home Secretary, Government of India, New Delhi.



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G.R.SWAMINATHAN,J.

SKM

CONT.P.(MD)No.3594 of 2025 in
W.P.(MD)No.32317 of 2025

09.12.2025