



L.P.A.(MD) No.8 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**L.P.A.(MD) No.8 of 2025
and
C.M.P.(MD) No.19503 of 2025**

1.K.J.Praveenkumar, I.A.S.,
District Collector
Madurai

2.J.Loganathan, I.P.S.,
Commissioner of Police
Madurai City

... Appellants

-vs-

1.Rama.Ravikumar

2.Yagna Narayanan
Executive Officer
Arulmigu Subramaniya Swamy Temple
Thirupparankundram
Madurai

... Respondents

Letters Patent Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 03.12.2025, passed in Cont.P.(MD) No.3594 of 2025, on the file of this Court.



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For Appellants : Mr.J.Ravindran
Additional Advocate General
(Coordination for A1)
Mr.Veera.Kathiravan
Additional Advocate General
assisted by Mr.P.Thilakkumar
Government Pleader (for A2)

For Respondents : Mr.M.R.Venkatesh
for Mr.RM.Arun Swaminathan for R1
Mr.V.Chandrasekar for R2

J U D G M E N T

[Judgment of the Court was made by DR.G.JAYACHANDRAN, J.]

The appellants before us are the District Collector, Madurai and the Commissioner of Police, Madurai City. This Letters Patent Appeal is filed by them being aggrieved by the order passed by the learned Single Judge in Cont.P.(MD) No.3594 of 2025, dated 03.12.2025.

2. One Mr.Rama.Ravikumar filed a writ petition in W.P.(MD) No. 32317 of 2025 seeking direction to the fourth respondent for lighting Karthigai Deepam at Deepa Thoon (ancient Stone Lamp Pillar) situated at the Thirupparankundram Hill Top in accordance with the order of this Court in W.P.No.18884 of 1994, dated 21.11.1996. In the alternative, to permit the



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writ petitioner to light the same on 03.12.2025 by making necessary administrative and security arrangements including the bandobust scheme by the respondents in the writ petition.

3. According to the writ petitioner, when he requested the Executive Officer of Arulmigu Subramaniya Swamy Temple, Thirupparankundram, through his representation dated 28.10.2025, to comply with the orders of the High Court mentioned above, the same was rejected vide communication dated 03.11.2025. Hence, the cause of action for the writ petitioner for the relief of certiorarified mandamus.

4. The learned Single Judge, on considering the relief sought in W.P.(MD)No.32317 of 2025 and the other connected writ petitions filed with the similar prayer, impleaded the representatives of Sikkandar Darga located nearby the Deepa Thoon and had passed the order on 01.12.2025. The operative portion of the order reads as under:

“40.In passing, I may refer to a resolution that was passed in the peace committee meeting held on 01.12.2005 in the office of the RDO. The Dargha management had signed the minutes



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expressing their no objection for lighting the lamp at Deepathoon. They made it clear that the lamp can be lit at any place beyond 15 meters from the Dargha. Though this is not an enforceable resolution, one can safely conclude that the opposition appears to be more at the instance of certain vested interests. In fact, in the order dated 21.11.1996 itself, there is a reference to a similar agreement arrived at on 04.11.1994. But then, it was claimed that it was done at the behest of the authorities.

41.The balance of convenience can also be noted. By lighting the lamp at Deepathoon, the rights of the Dargha or the Muslims will not in any way be affected. The Dargah management has not demonstrated as to how they will be affected if the lamp is lit at the Deepathoon. It is not their case that Deepathoon is within the Dargha campus. On the other hand, if the lamp is not lit at Deepathoon, there is always a possibility that the rights of the temple may be jeopardised.

42.For the reasons mentioned above, I direct the temple management/devasthanam to light the Karthigai Deepam at Deepathoon also apart from the usual places. Karthigai is also a festival of light. Lamps are lit all over the house and not in the pooja room alone. The Karthigai



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Deepam shall be lit from this year onwards at Deepathoon also. It is the duty of the jurisdictional police to ensure that the direction of this Court is complied with. The Commissioner of Police, Madurai City shall see to it that no one comes in the way of enforcement of this order.

43.W.P(MD)Nos.32317, 33112, 33197, 33724 are allowed. WP(MD)No.34051 of 2025 stands dismissed. I would be failing in my duty if I fail to appreciate Ms.J.Anandavalli, the learned counsel appearing for one of the impleaded parties, for filing a consolidated typed set which contain all the relevant materials. No costs. Connected miscellaneous petitions are closed.”

5. The rest of the facts are not necessary for the consideration of the present appeal. Hence, we have consciously omitted to extract those facts, which are not relevant.

6. The next day of the above order, the writ petitioner Rama.Ravikumar moved an urgent motion for contempt before the learned Single Judge to take contempt action against the District Collector, Commissioner of Police and the Executive Officer of the Temple for their intend to commit breach.



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7. According to the writ petitioner, when he enquired the Executive Officer of the Temple about the arrangements regarding lighting of Deepam in the designated place pursuant to the Court order, the Executive Officer had answered in negative. Since the lighting of Deepam falls at 06.00 p.m., but even till 05.00 p.m., there was no arrangement made for lighting Deepam in the Stone Pillar (Deepa Thoon), if the fourth respondent breached the order of the Court, it will prejudice the right of the writ petitioner, the learned Single Judge had taken up the contempt petition as an urgent matter at 05.00 p.m., on 03.12.2025.

8. Mr.J.Ravindran, learned Additional Advocate General appearing for the first appellant had submitted that the contempt petition is in anticipation of the breach of the Court order and the time for lighting Karthigai Deepam at the Stone Pillar has not reached. It appears that taking note of the said submission made by the learned Additional Advocate General, the learned Single Judge has paused over the matter and taken up the matter after 06.05 p.m. On confirmation that the Executive Officer of the Temple has not complied with the direction of lighting Karthigai Deepam in the place designated by the Court i.e., Deepa Thoon, the learned Single Judge had



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permitted the writ petitioner, namely, Rama.Ravikumar to take ten other persons along with him, including the other writ petitioners, to carry the required articles for lighting Deepam and light deepam at Deepa Thoon. He also directed the Commandant of CISF Unit, Madurai Bench of Madras High Court to send a team of CISF Personnel to offer protection to the writ petitioner and his associates in carrying out the Court order.

9. The bone of contentions in this appeal as submitted by the learned Additional Advocate General appearing for the first appellant are as below:

- (a) The contempt petition was filed in anticipation of the disobedience, which is unheard.
- (b) Without affording opportunity to the parties concerned, the learned Single Judge has concluded that the commission of contempt is beyond the dispute.
- (c) The learned Single Judge has observed that the Darga and its representatives are alone said to be the aggrieved parties. Whereas, the representation made on behalf of the Executive



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Officer of the Temple that he has preferred an intra court appeal as against the order dated 01.12.2025 has taken into consideration by concluding that the Temple is not an aggrieved party.

- (d) According to the learned Additional Advocate General, the Temple is also an aggrieved party. Thirty days time is available for the Temple to prefer appeal. While so, by entertaining the contempt petition and forcing the respondents to comply with the order, even without affording opportunity to test the veracity of the order passed in the writ petition smogs with malafide.
- (e) The observations of the learned Single Judge that admitting the contempt petition will not serve the purpose since the order, which should have been complied with by 06.00 p.m., has not been complied, therefore, the alternative relief to permit the writ petitioner to light the Deepam



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at the Deepa Thoon has to be granted, is totally perverse and beyond the scope of the contempt petition.

- (f) Referring to the Judgment of the Honourable Supreme Court rendered in ***Sudhir Vasudeva vs. M.George Ravishekaran***, reported in ***(2014) 3 SCC 373***, followed by the recent Judgment of the Supreme Court in ***Amit Kumar Das vs. Shrimati Hutheesingh Tagore Charitable Trust***, reported in ***(2024) 11 SCC 679***, the learned Additional Advocate General submitted that the learned Single Judge has travelled beyond the four corners of the his earlier order passed in the writ petition.
- (g) The observation of the learned Single Judge in the impugned order that the State has not filed appeal is factually incorrect. The State has filed appeal and it is pending with the Registry.
- (h) The learned Single Judge, while considering the contempt petition, has acted as an Executing



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Judge, which is not permissible under law. Though Articles 129 and 215 of the Constitution of India empowers the High Court to exercise the power of punishment in case willful disobedience is proved, the manner in which the contempt petition is entertained and the order passed is per se beyond the scope of the powers conferred to the High Court.

- (i) The order of the learned Single Judge permitting the petitioner to go to the Hill Top and light Karthigai Deepam at the Deepa Thoon as a symbolic gesture is contrary to the earlier Judgments, which had permitted only the Temple authorities to light the Deepam at the appropriate place and a third party should not be permitted to do so anywhere in the hillock.
- (j) Pointing out that the learned Single Judge has not only gone beyond the scope of the order passed in the writ petition by permitting the writ petitioner to go upto the Hill Top and light



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the lamp, but has also ordered the Commandant of the CISF Unit attached to the Madurai Bench of Madras High Court to send a team of CISF personnel to afford protection to the writ petitioner and his associates, is beyond the scope and the power conferred on a Judge of the High Court.

- (k) The CISF protection has been given to the High Court campus both at the Principal Seat and its Madurai Bench only to protect the campus and not beyond the territory of the campus. By directing the CISF personnel to accompany the writ petitioner to the Thirupparankundram Hill and give protection for them to light Karthigai Deepam at the Deepa Thoon is a clear case of judicial excess and overreach.

10. The learned Additional Advocate General in his flow of attacking the order of the learned Single Judge made certain vituperative remarks about the learned Single Judge, but we condone his utterances such



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remarks since the learned Additional Advocate General immediately after we pointed about his remarks on the learned Judge, withdrew the same.

11. The main contention of the learned Additional Advocate General is that the writ petition was allowed without proper appreciation of the earlier proceedings and the order in the contempt petition was beyond the relief granted in the writ petition, that too without affording opportunity to the aggrieved parties, who preferred the appeal. Therefore, immediate interference is required to set aside the order passed by the learned Single Judge dated 03.12.2025 in the contempt petition.

12. Mr.Veerakathiravn, the learned Additional Advocate General would reiterate and reenforce the arguments made by Mr.J.Ravindran, learned Additional Advocate General and would submit that the learned Single Judge in hasty manner had entertained the contempt petition without following the provisions of the Contempt of Courts Rules framed by the High Court. Without affording an opportunity to the aggrieved parties to test the sustainability of the judgment passed by the learned Single Judge in the writ petition, the order in the contempt petition is passed. This tantamounts to interfering the domain of the Division Bench and make the writ appeal



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13. In response to the above submissions, the learned counsel appearing for the writ petitioner submitted that it is the clear case of State administration disregarding willfully the order passed by the High Court. The majesty of the Court is totally undermined by the conduct of the appellants. After due consideration, the right conferred to a citizen under Article 25 and 26 of the Indian Constitution as well as the judicial pronouncement in connection with the right of performing ceremony of lighting Deepam at the stone pillar (Deepa Thoon), which is atleast 15 meters away from the Dharga, has been protected by the learned Single Judge vide his order dated 01.12.2025. The temple is more than 1200 years old and custom of lighting Deepam in the Deepa Thoon is as old as the Temple. Just because the practice discontinued for the past 100 years, due to invasion of alien cannot take away the prevailing right of the worshipers of Thiruparankundram hillock. while the fundamental right of the citizen had been restored through judicial order, by making intemperate allegations against the learned single Judge, the contemnors had filed the present appeal to get over their non compliance of the order passed by the learned Single Judge vide order dated 01.12.2025.



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14. Even after the order passed in the contempt petition, which is impugned in this appeal, the appellants herein had consciously disregarded the order of this Court by not permitting the petitioner to light the lamp at Deepa Thoon escorted by CISF personnels. They adamantly refused to implement the order of this Court dated 03.12.2025 committing yet another contempt.

15. The learned counsel for the appellants went to the extent by saying that the State, which has constitutional duty to protect the constitution and discharge the duty in accordance with the constitution, has miserably failed by not protecting the fundamental right of the Hindus and also by deliberate disobedience of the judicial order passed under Article 226 of the Indian Constitution by passing an executive order under Section 163 of BNSS (Section 144 of Cr.P.C.,). This shows their failure of machinery to carry the constitutional obligation.

16. Heard the learned counsel for the respective parties.



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17. This Court finds that the learned Single Judge in W.P.(MD)No. 32317 of 2025 has passed an order with a specific direction to the Temple Management /Devasthanam, to light Karthigai Deepam at Deepa Thoon also apart from the usual place. The Karthigai Deepam to be lit soon after the sun set on the full moon day in the Tamil month of Karthigai. This year, the full moon day was on 03.12.2025. As per the direction given by the learned Single Judge, the Temple Management/Devasthanam ought to have lit the Deepam at 06.00 p.m., at the Deepa Thoon, which was the place designated under the order of this Court.

18. Realizing that the fourth respondent, who is representing the temple had not taken any initiative to comply the order of the Court, the writ petitioner had approached the learned Single Judge by way of contempt petition and reported about the status.

19. The learned Additional Advocate General representing the State finds fault with the learned Single Judge for entertaining the contempt petition by way of mentioning.



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20. The aspersion cast on the learned Single Judge in this regard to be ignored, since the apprehension of the writ petitioner that the fourth respondent by not making arrangements to light the lamp at Deepa Thoon is likely to defeat the right of the petitioner well found.

21. The learned Single Judge has not passed order immediately. He has taken the submission made by the learned Additional Advocate General on that day that time for lighting the Deepam is not yet come, therefore, he had passed over the matter till 06.05 p.m. Only thereafter, on ensuring that the fourth respondent has failed to comply the order, he has given an alternative relief, which is already sought in the writ petition. The petitioner had been given permission to light the Deepam and CISF Personnels were requested to given protection.

22. Regarding engaging of CISF personnels, the learned Additional Advocate General referring to the order passed by this Court in Suo Motu W.P. (MD)No.29197/2015, submitted that the security coverage for the High Court by CISF warranted due to certain untoward incidents happened in the Court campus. Service of CISF is engaged to prevent destructive and disrespectful



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activities towards Court and also for effective ability of the Court to dispense justice. CISF is meant for executing the Court order. By this order, the learned Single Judge had undermined the State police and also caused damage to the State-Central relationship.

23. In response, the learned counsel for the writ petitioner submitted that on 03.12.2025, the day when the order was passed by the learned Single Judge in the contempt petition, the appellants were present through their counsel. They neither assured the Court that lamp will be lit as per the Court order in the designated place, nor gave an undertaking that protection will be given for lighting the lamp in reverence to the Court order.

24. With an intention to create law and order problem, they refused to comply the Court order and prevented the persons, who lawfully gathered there to light the lamp, pursuant to the Court order.

25. The service of CISF was provided only because the State Police refused to give protection and comply with the Court direction. In case the State machinery disobey the Court order and refuse to give protection, the Court cannot stand helpless. It has to take assistance from any quarters. For



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the High Court, the immediate uniformed force available other than the local police was CISF, hence, the service of CISF was sought.

26. The sum and substance of the dispute is regarding the right of worship, which is guaranteed under Articles 25 and 26 of the Constitution of India, besides the constitutional duty of the State machinery to implement the order of the Court. In this case, the order passed by the learned Single Judge dated 01.12.2025 was not complied by the fourth respondent. When that was brought to the notice of the learned Single Judge, he has granted alternative relief, so that his order will have a purposeful meaning. Even that order was not complied by the appellants herein. To defeat the order, it appears that the District Collector has invoked his executive power conferred under Section 163 of BNSS Act, showing the prohibitory order, the Police Commissioner refused entry to the petitioners to reach the hilltop.

27. The learned Additional Advocate General relied upon the Executive Order passed by the District Collector and tried to impress upon this Court that the said order passed subsequently, will prevail upon the judicial order. When we asked him to produce the file to see under what basis this Executive Order under Section 163 of BNSS Act was passed by the



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District Collector and what time it was passed, the learned Additional Advocate General produced the file pertaining to the issuance of prohibitory order passed under Section 163 of BNSS. The file contains loose sheets of papers containing the past history of dispute regarding the lighting of Deepam in the hillock of Thiruparankundram near Sikkandhar Dharga. The order has been promulgated with effect from 06.00 pm. on 03.12.2025 until further orders prohibiting anybody from climbing the Thiruparankundram hillock, which likely to lead law and order issue in Thiruparankundram. Thus it is very obvious that Section 163 BNSS order is passed prior to the judicial order or the records are manipulated after this Court calls for the original file.

28. This order passed by the District Collector/first appellant is pursuant to the communication by the Commissioner of Police, who is the second appellant herein. His communication refers about gathering of members of Hindu friends near the Temple to conduct demonstration. 100 members of the Hindu Association has gathered at the top of the Hill to light the Deepam on their own. As the administrators of the HR & CE were making efforts to light the deepam, there is a possibility that the unruly mob may try to climb atop the hill and create the law and order problem. Further, notes reveal that the crowd broke the barricades only at 06.05 p.m..



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29. We failed to understand that when there is specific order by the High Court to permit the petitioner and others, 10 in numbers, to light the Deepam at the Deepa Thoon, how this prohibitory order can be put against them and whether the executive order passed under Section 163 of BNSS will prevail over the judicial order passed under Article 226 of the Constitution of India is to be decided. We wish this will be decided at the appropriate time. The examination of promulgation of prohibitory order dated 03.12.2025 in ROC No.C3/2952850/2025 issued by the District Magistrate cum District Collector, we find that there is a specific indication that the prohibitory order shall not apply for any assembly or procession on the occasion of religious ceremony.

30. From the sequence of events, we hold that the appellants herein fearing action for it contemptuous act has come before this Court through this Letter Patent Appeal as preemptive steps. It is well designed act of the appellant, who has admittedly not complied the order of the learned single Judge, dated 03.12.2025, had approached this Court to preempt contempt action. It is for the learned single Judge to test whether their noncompliance of the order dated 03.12.2025 is wilful or not. We cannot jump into conclusion in the appeal about their conduct in appeal.



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31. We are clear in our mind that the subsequent order in contempt petition passed on 03.12.2025 is not an order modifying the earlier order dated 01.12.2025 and it is not beyond the four corners of the main writ petition. When the Court found that the relief sought earlier not been implemented to serve purpose of the order, the learned Single Judge has permitted the petitioners to light the lamp in the stone pillar known as “Deepa Thoon” during the Megha Deepam Day, ie., Fullmoon day of Tamil Karthigai Month.

32. The learned Single Judge havng found that the State machinery willfully decided not to implement the direction citing pendency of the unnumbered appeal, called upon the assistance of CISF for enforcing the directions. The situation has arisen in which the State Police unable to carry the constitution mandate. There is no illegality in taking the assistance of central force for the said purpose, if the circumstances warrant.

33. In earlier order dated 01.12.2025, the responsibility to carry out work was entrusted to the fourth respondent. Later, having found that the fourth respondent failed to discharge his responsibility, the said



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responsibility has been given to the writ petitioners. This is neither altering the order nor modifying the order, but only changing the person who was supposed to discharge the responsibility of lighting lamp. Therefore, we find this appeal filed with ulterior motive to preempt contempt action is liable to be dismissed.

34. With the above observations, this Letters Patent Appeal stands dismissed. Consequently, connected miscellaneous petition is closed.

[G.J., J.]

[K.K.R.K., J.]

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NCC : Yes
Index : Yes / No
Internet : Yes / No

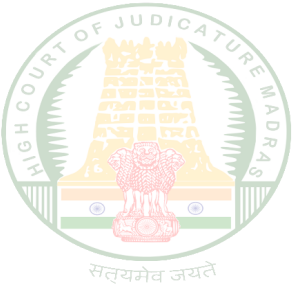
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To:

1.Mr.K.J.Praveenkumar, I.A.S.,
District Collector,
Madurai.

2.Mr.J.Loganathan, I.P.S.,
Commissioner of Police,
Madurai City.

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