

W.P.Crl.(MD) No.883 of 2026

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.06.2026**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

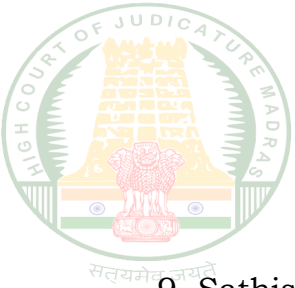
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Bakiyaraj

.... Petitioner

**Vs.**

1. The District Collector  
Collector Office,  
Dindigul.
2. The Superintendent of Police,  
Dindigul,  
Dindigul District.
3. The Revenue Divisional Officer,  
Dindigul,  
Dindigul District.
4. The Tahsildar,  
Nilakottai Taluk,  
Dindigul District.
5. The Inspector of Police,  
Pattiveeran Patty Police Station,  
Nilakottai Taluk,  
Dindigul District.
6. Kumanesan
7. Ragupathi
8. Seeni



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9. Sathish

10. Kathinesan

11. Kannan

...Respondents

**Prayer:** Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents 1 to 6 to make arrangements for the wooden chest worn with silk cloth procession to enter into the petitioner's North Street of Muthalapuram village during the tamil thai month celebrations of the Arulmighu Ayiram Aruval Kottai Karuppasamy Temple, situated at Muthalapuram village, Nilakottai Taluk, Dindigul district and consequently direct them to constitute a festival committee by incorporating a few persons from the Devandra kula vellalar community to conduct the festival peacefully.

For Petitioner : Mr.S.Vellaichamy

For R1,R3 & R4 : Mr.K.Saravanan,  
Counsel for Government of TN  
(Crl. side)

For R2 & R5 : Mr.D.Rajaboopathy,  
Counsel for State of TN (Crl. side)

For R6 to R9 : Mr.K.Kevin Karan



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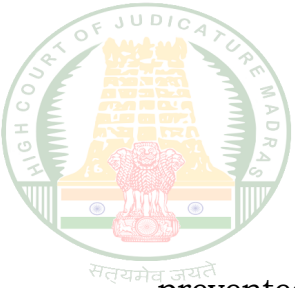
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**ORDER**

The present writ petition presents before this Court a question far greater than the route of a village procession. It compels this Court to examine whether constitutional guarantees secured through decades of social reform can be rendered illusory by invoking customary practices which have the effect of excluding a section of citizens from equal participation in a public religious institution.

2. The Constitution of India did not merely establish a political democracy. It envisioned a social democracy founded upon liberty, equality and fraternity. The framers of the Constitution consciously recognised that social discrimination, particularly caste-based exclusion, had for centuries denied dignity and equal status to large sections of Indian society. Consequently, the Constitution not only guaranteed equality before law under Article 14 but also prohibited discrimination under Article 15 and abolished untouchability in all its forms under Article 17.

3. Whenever allegations are raised before a Constitutional Court that members of a Scheduled Caste community are being



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prevented from participating in a public religious festival or are denied equal access to a public temple on account of caste identity, such allegations cannot be treated as mere private disputes. They strike at the heart of constitutional morality itself.

4. The present writ petition, therefore, requires this Court to harmonise competing claims of customary practices on one hand and constitutional mandates on the other, while ensuring maintenance of public order and communal harmony.

***Factual background:***

5. The petitioner belongs to the Devendra Kula Vellalar community and is a resident of North Street, Muthalapuram Village, Nilakottai Taluk, Dindigul District. He claims that the village deity namely Arulmighu Ayiram Aruval Kottai Karuppasamy is a public deity worshipped by all villagers irrespective of caste.

6. According to the petitioner, during the annual festival celebrated in the Tamil month of Thai, a ceremonial wooden chest adorned with silk cloth is traditionally taken in procession through

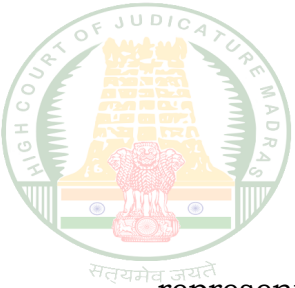


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the village streets. The petitioner contends that for the past several years the private respondents have deliberately prevented the procession from entering the North Street inhabited predominantly by members of the Devendra Kula Vellalar community.

7. The specific allegation is that such exclusion is founded solely on caste considerations and that the private respondents have asserted that entry of the deity into the petitioner's street would render the procession impure and unholy. The petitioner further alleges that members of his community are discouraged from participating in temple administration, prevented from making offerings in the temple and excluded from festival-related decision making.

8. It is his further grievance that representations submitted to the authorities did not result in any effective remedial measures. Consequently, the petitioner has sought a writ of mandamus directing the official respondents to ensure that the ceremonial procession enters the petitioner's street and to constitute a



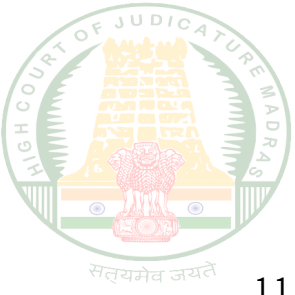
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representative festival committee incorporating members of the  
Devendra Kula Vellalar community.

***Stand of the private respondents:***

9. The eleventh respondent has filed a detailed counter affidavit on behalf of himself and respondents 6 to 10. The principal defence advanced is that there has never been any caste discrimination in the village temple. According to the private respondents, every community in the village maintains separate temples and follows separate customary practices concerning temple festivals.

10. It is contended that the route of the procession has remained unchanged from time immemorial and that the deity has never been taken through the street occupied by the petitioner's community. The private respondents further contend that members of all communities are free to enter the temple and worship the deity and that no restriction has ever been imposed upon any person on the basis of caste.



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11. The counter affidavit places reliance upon an earlier order passed by this Court in W.P.(Crl.) (MD) No.238 of 2026 and contends that the present writ petition seeks indirectly to reopen issues already considered therein.

***Case of the petitioner:***

12. The learned counsel appearing for the petitioner would submit that the temple is admittedly a public temple and therefore every Hindu devotee is entitled not only to worship therein but also to participate in public religious observances associated with the temple. It is contended that the exclusion of the petitioner's street from the procession is not founded upon any valid religious requirement but is merely an extension of caste-based social exclusion.

13. The learned counsel would submit that constitutional rights cannot be defeated by local customs. It is further argued that if the exclusion complained of is allowed to continue, it would amount to judicial endorsement of untouchability in a modern constitutional democracy. Reliance is placed upon Articles 14, 15, 17



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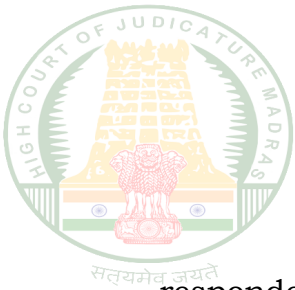
and 25 of the Constitution of India and the provisions of the Tamil Nadu Temple Entry Authorization Act, 1947.

***Case of the private respondents:***

14. Per contra, learned counsel appearing for the private respondents would contend that the petitioner has attempted to project a customary issue as a caste dispute. It is argued that there has never been any prohibition against worship by members of the petitioner's community. The private respondents submit that the route followed by the procession is an ancient customary route and has always remained confined to specific streets. According to them, compelling alteration of long-standing customs by judicial orders would create avoidable tension and disturb communal harmony. It is also argued that disputed questions of custom and usage cannot be adjudicated in writ jurisdiction.

***Submissions of the official respondents:***

15. The learned Government Advocate appearing for the official respondents would submit that maintenance of law and order remains the paramount concern of the administration. The official



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respondents would assure this Court that all devotees, irrespective of caste, shall be permitted to worship in the temple and participate in religious activities in accordance with law. The authorities would further submit that any arrangement directed by this Court shall be implemented peacefully.

***Points for consideration:***

16. The following questions arise for determination:

(i) Whether any custom or practice can be sustained if it has the effect of excluding a section of citizens on the basis of caste?

(ii) Whether the rights guaranteed under Articles 14, 15, 17 and 25 of the Constitution override discriminatory customs?

(iii) What directions are necessary to ensure equality, fraternity and peaceful conduct of the temple festival?

***Constitutional framework:***

17. Article 17 abolishes untouchability and forbids its practice in any form whatsoever. The constitutional prohibition is absolute. It is not subject to custom, usage, local tradition or social acceptance. The Constitution does not merely prohibit physical segregation. Any



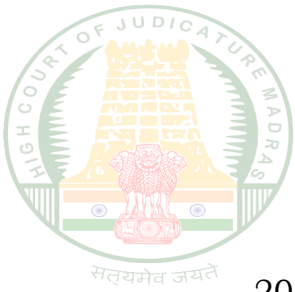
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disability imposed upon a citizen solely because of caste identity falls within the broader constitutional vision that Article 17 seeks to eradicate.

18. Article 25 guarantees freedom of conscience and the right freely to profess, practise and propagate religion. However, Article 25 itself is subject to public order, morality, health and the other provisions of Part III of the Constitution. Consequently, no religious practice or customary usage can survive constitutional scrutiny if it violates equality, dignity or fraternity. The constitutional philosophy was succinctly explained by the Hon'ble Supreme Court that constitutional morality must prevail over social morality whenever the two come into conflict.

***Fraternity as a constitutional value:***

19. The Preamble declares fraternity as one of the foundational ideals of the Republic. Fraternity is not a decorative constitutional expression. It is a living constitutional command requiring every citizen to recognise the equal dignity of every other citizen. The Constitution expects not merely tolerance but mutual respect.



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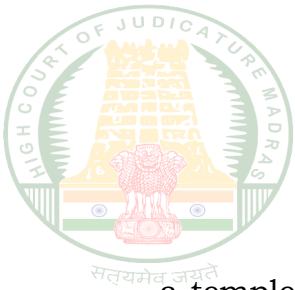
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20. Article 51A(e) casts a fundamental duty upon every citizen to promote harmony and the spirit of common brotherhood transcending religious, linguistic, regional and sectional diversities. A temple festival conducted in a village is not merely a religious event. It is also a social institution intended to unite people. If a festival becomes a mechanism for exclusion, the very purpose of community worship stands defeated.

***Analysis:***

21. This Court has carefully considered the rival submissions and perused the pleadings placed on record. The petitioner alleges that the ceremonial wooden chest procession of Arulmighu Ayiram Aruval Kottai Karuppasamy Temple is deliberately prevented from entering the North Street inhabited by members of the Devendra Kula Vellalar community. The respondents deny the allegation and contend that the procession has always followed a customary route and that there has never been any caste-based exclusion.

22. The constitutional question arising in the present case is not whether a particular community can claim exclusive rights over

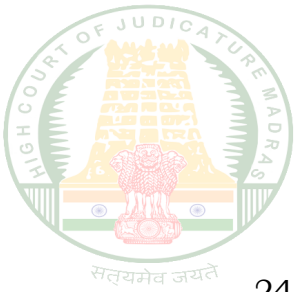


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a temple festival. The issue is whether a public religious festival can be conducted in a manner which has the effect of excluding a particular section of villagers from equal participation on account of caste identity. Article 17 of the Constitution abolished untouchability in all its forms. Such abolition is not confined to denial of temple entry alone. Constitutional courts are duty-bound to ensure that no practice, custom, usage or social arrangement results in a disability founded upon caste.

23. At the same time, this Court cannot overlook the fact that disputed questions relating to historical routes, customary practices and festival administration are raised by the private respondents. Such factual controversies cannot ordinarily be conclusively adjudicated in writ proceedings merely on the basis of affidavits. However, this Court also cannot ignore the petitioner's grievance by relegating him to a civil forum when allegations of caste-based exclusion from a public religious festival have been specifically raised. Constitutional courts cannot remain passive spectators when issues touching upon equality, dignity and fraternity are brought before them.



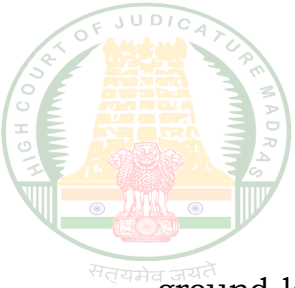
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24. This Court finds considerable force in the submission that the matter requires an independent administrative assessment by the District Collector. The District Collector, being the head of the district administration, is best equipped to undertake a field inspection, interact with all stakeholders, examine historical records, ascertain the feasibility of the procession route, assess law and order implications and evolve an inclusive mechanism consistent with constitutional values.

25. The District Collector must remember that the issue is not merely one of route management. It concerns the constitutional promise of equal citizenship. The Constitution does not recognise graded participation in public religious life based upon caste hierarchies. Faith cannot be compartmentalised street-wise on caste lines. A deity worshipped by an entire village belongs to the whole village. Public religious institutions cannot become instruments for perpetuating social exclusion.

26. Equally, this Court is conscious that social harmony cannot be achieved through coercive orders passed without adequate



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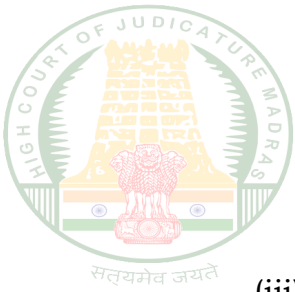
ground-level assessment. A sustainable solution can emerge only through consultation, participation and constitutional governance.

This Court is therefore of the view that the dispute requires a comprehensive exercise by the District Collector, Dindigul District, so that an informed decision can be taken balancing constitutional rights, customary practices, administrative feasibility and maintenance of public order.

27. Accordingly, this Writ Petition is **disposed of** with the following directions:

(i) The District Collector, Dindigul District, shall undertake a comprehensive enquiry into the grievances raised by the petitioner regarding the conduct of the annual festival of Arulmighu Ayiram Aruval Kottai Karuppasamy Temple, Muthalapuram Village.

(ii) The District Collector shall convene a meeting of all stakeholders including representatives of the petitioner community, private respondents, village elders, officials of the Revenue Department, Police Department and, if necessary, officials of the Hindu Religious and Charitable Endowments Department.



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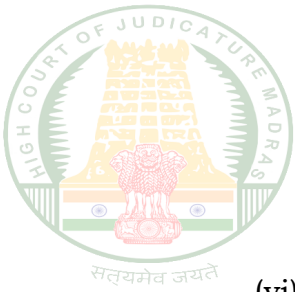
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(iii) The District Collector shall personally or through a responsible officer not below the rank of Revenue Divisional Officer conduct a field inspection of the village and the existing procession route.

(iv) The District Collector shall ascertain:

- a) the historical route followed by the ceremonial wooden chest procession;
- b) whether members of the petitioner's community have been excluded from participation in the festival or its administration;
- c) whether any element of caste-based discrimination or untouchability exists in the conduct of the festival;
- d) whether extension or integration of the procession route to include North Street is physically, administratively and logistically feasible; and
- e) the measures required for ensuring inclusive participation by all sections of villagers.

(v) The District Collector shall prepare a detailed report incorporating route maps, feasibility assessment and recommendations.



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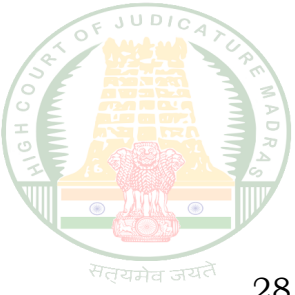
(vi) If the District Collector finds that inclusion of North Street in the procession route is feasible and would advance constitutional values of equality, fraternity and social inclusion without causing insurmountable administrative difficulties, appropriate arrangements shall be made for such inclusion.

(vii) If any infrastructural modifications are required for facilitating such inclusive participation, the District Collector shall identify the same and coordinate with the concerned departments for implementation.

(viii) The Superintendent of Police, Dindigul District, shall provide adequate police protection and ensure maintenance of law and order during all future festival events.

(ix) The official respondents shall ensure that no devotee is denied entry into the temple, participation in worship, offering of prayers or involvement in lawful religious activities on the ground of caste.

(x) Any act amounting to untouchability or caste discrimination shall be dealt with strictly in accordance with law.



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28. The District Collector shall complete the aforesaid exercise and pass a reasoned proceeding within a period of twelve weeks from the date of receipt of a copy of this order and communicate the same to all stakeholders.

***Epilogue:***

29. The Constitution of India transformed subjects into citizens and communities into equals. Yet, the task of translating constitutional ideals into social reality remains unfinished in several parts of the country. Temple festivals are not merely religious ceremonies. They are collective affirmations of social belonging. When every villager gathers under the gaze of a common deity, the Constitution expects caste identities to recede and fraternity to prevail.

30. The true strength of a democratic society lies not in preserving exclusionary traditions but in reforming them in the light of constitutional morality. Customs may deserve respect; discrimination never does. This Court therefore expects the District Administration to approach the issue not as a mere law-and-order



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exercise but as an opportunity to reinforce the constitutional values of equality, dignity and fraternity among all residents of Muthalapuram Village.

31. With the above observations and directions, the Writ Petition stands disposed of.

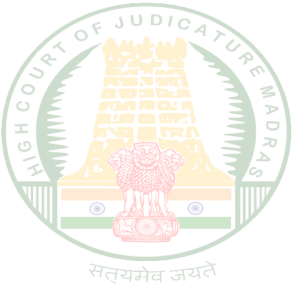
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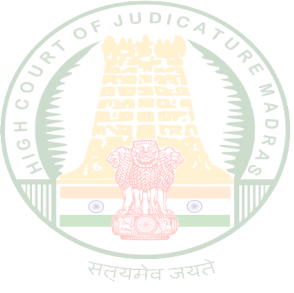
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6. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

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