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WP.No.18076 of 2024

In the High Court of Judicature at Madras

Reserved on 13.6.2025	Delivered on : 17.6.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.18076 of 2024
& WMP.Nos.19874 & 19876 of 2024
& 13687 of 2025

1.T.A.P.Srirangachari
2.K.B.Srinivasan

...Petitioners

Vs

- 1.The Commissioner, Hindu Religious & Charitable Endowment Department, Nungambakkam, Chennai-34.
- 2.The Executive Officer, Vilakoli Perumal (Deepa Prakasar), Sri Vedantha Desikar Thirukoil, Little Kancheepuram.
- 3.Shri Thatha Desika Thiruvamsathar Sabha, rep.by its Secretary Mr.T.K.Sampath Kumaran
- 4.T.K.Sampath Kumaran

(R3 & R4 were impleaded as per order of court dated 05.7.2024 in WMP.No.20308 of 2024 by VBSJ)



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5.S.Narayanan

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(R5 was impleaded as per order of court dated 05.7.2024 in WMP.No.20307 of 2024 by VBSJ)

6.A.K.MR.Sadagopan (a) A.K.Suresh

(R6 was impleaded as per order of court dated 29.7.2024 in WMP.No.20654 of 2024 by VBSJ)

7.T.E.A.S.Varadhan

(R7 was impleaded as per order of court dated 29.7.2024 in WMP.No.22367 of 2024 by VBSJ)

8.P.B.V.Sudharsan

(R8 impleaded as per order of court dated 17.6.2025 in WMP.No.24478 of 2024 by NAVJ)

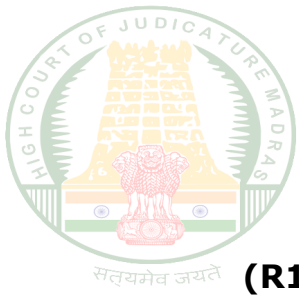
9.S.R.Ramesh

(R9 impleaded as per order of court dated 17.6.2025 in WMP.No.27555 of 2024 by NAVJ)

10.D.V.Parthasarathy

(R10 impleaded as per order of court dated 17.6.2025 in WMP.No.28379 of 2024 by NAVJ)

11.Vadakalai Sri Vaishnava Sampradhaya Sabha, Kancheepuram rep.by its President Shri T.C.Shrinivasan



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**(R11 impleaded as per order of court
dated 17.6.2025 in WMP.No.31753
of 2024 by NAVJ)**

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to letter dated 28.5.2024 issued by the 2nd Respondent, quash the same, hold the same as illegal, null and void and consequently direct the respondents to forthwith ensure that services, custom and rituals pertaining to the Vilakkoli Temple as upheld in the judgement of the High Court of Madras dated 18.7.1918 upholding the judgement and decree of the Trial Court in O.S.No.414 of 1908 and earlier judgements are observed and followed by recognising the rights of the petitioners and Thenkalai devotees to recite Prabhandham by leading the procession and involving recital of only Thengalaimantram and Thengalaivazhithirunamam without any interference disturbance by anybody in all processions outside the Vilakkoli Temple.

For Petitioners : Mr.P.V.Balasubramaniam, SC
for Ms.Varuni Mohan

For R1 : Mr.K.Karthikeyan, GA (HR & CE)

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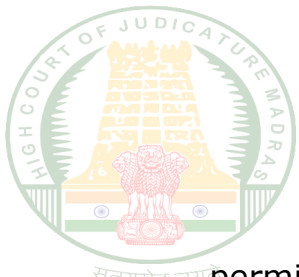


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- For R2 : Mr.R.Bharanidharan
- For R3 & R4 : Mr.G.Rajagopalan, SC for
M/s.G.R.Associates
- For R5 : Mr.Satish Parasaran, SC for
Mr.Abhinav Parthasarathy
- For R6 : Mr.V.Raghavachari, SC for
Mr.V.Nittilakshan
- For R7 : Mr.T.Mohan, SC for
Mr.Palaniandavan
- For R8 : Mrs.Hema Sampath, SC for
Mrs.R.Meenal
- For R9 : Mr.T.V.Ramanujam, SC for
Ms.R.Ramya
- For R10 : Mr.S.J.Krishnan
- For R11 : Mr.N.V.Balaji

ORDER

The petitioners, who belong to Thenkalai Sect, have questioned the letter dated 28.5.2024 issued by the second respondent and have sought for a direction to the respondents to ensure that services, custom and rituals pertaining to Vilakkoli Temple, which were upheld by the competent civil court and further confirmed by this Court, must be complied with and that the devotees of the Thenkalai Sect must be



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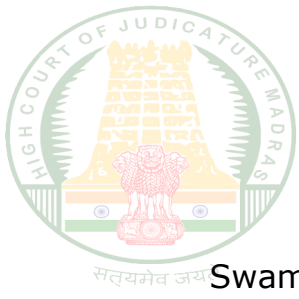
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permitted to recite Prabhandham by leading the procession and involving the recitals of only Thenkalai Mantram and Thenkalai Vazhi Thirunamam without any interference from anyone during the procession outside the Vilakkoli Temple.

2. Heard the learned counsel appearing for the respective parties.

3. The case of the petitioners is as follows :

(i) The petitioners belong to the Thenkalai Sect of Shri Vaishnavites of Kanchipuram having Adhyapaka Mirasi rights in the Vilakkoli Perumal Sri Vedhantha Desikar Thirukoil at Kanchipuram. The Vilakkoli Temple is one of the 18 Divyadesams located in and around Kanchipuram venerated by the Vishnavites. Amongst the followers of Ramanujacharya, a division arose during 15th Century, which resulted in the devotees falling under two Sects called the Thenkalai and the Vadakalai. The Thenkalais are specialised in the study and exposition of Tamil Prabhandhams of Alwars and they consider Swami Manavala Mahamuni as their Acharya whereas the Vadakalais are specialised in the study and exposition of Sanskrit Vedas and regard and consider



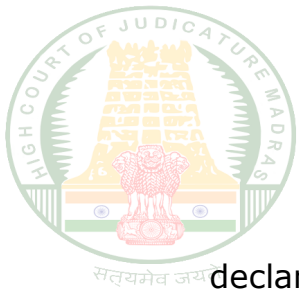
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Swami Vedhantha Desikar as their Preceptor.

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(ii) In terms of reciting Prabhandhams, the Thenkalais recite a verse in praise of their Acharya Swami Manavala Mahamuni. Thereafter, they recite Divya Prabhandham and close with benedictory verses in praise of their Acharya. The Vadakalais invoke their Saint Vedhantha Desikar and thereafter recite Divya Prabhandham and end with the benedictory verses in praise of Swami Vedhantha Desikar.

(iii) A serious dispute arose between the two Sects as to the manner, in which, the Prabhandhams had to be recited and should be adopted in the temples. The devotees of the Thenkalai Sect claim that there were several litigations right from the year 1811 onwards and ultimately, their rights got fructified by the judgment and decree dated 15.5.1915 in O.S.No.414 of 1908 on the file of the District Munsif Court, Conjeevaram (Kanchipuram). Though the judgment and decree of the Trial Court dated 15.5.1915 was reversed vide judgment and decree dated 31.3.1917 in A.S.No.443 of 1915 on the file of the District Court, Chengalpet, this Court confirmed the judgment and decree of the Trial Court and reversed the judgment and decree of the First Appellate Court vide judgment dated 18.7.1918 in C.M.A.No.221 of 1917 on the file of this Court. They also obtained a relief of



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declaration to the effect that the Thenkalai Mantram of Sri Sailesa Dhaya Pathram must be recited within the temple at Kancheepuram and the shrines appertaining thereto including the Vedhantha Chariyar's Shrine and during any ceremonial worship or by any Goshti.

(iv) A further declaration was granted to the effect that the Vadakalais are only entitled to join the Thenkalai Adhyapaka Goshti as worshippers by reciting the same portion of Prabhandham that is being recited by the Thenkalai Adhyapaka Mirasidars. A permanent injunction was granted by restraining the Vadakalais from reciting their own Mantrams and Prabhandhams during pooja period and also during the ceremonial worship of the shrines or other places of worship where the pooja was performed. The Vadakalai Sect was further restrained from reciting their own Mantrams and Prabhandhams by forming a separate Goshti in front of the deity or by interposing between the idol and the Vedic Goshti.

(v) Despite the above judgment, the devotees belonging to Vadakalai are interrupting and interfering with the Thenkalais at the time of recitals within the temple and while performing the service within the temple. In the year 2006, apprehending breach of peace, the Thenkalais gave a representation to the Executive officer seeking



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protection for the recital of Divya Prabhandham during the ceremonies inside the temple. However, the Executive Officer issued a letter dated 09.2.2006 to the effect that the Thenkalais have given up their rights of recital of Prabhandhams within the temple.

(vi) This has resulted in filing W.P.No.20952 of 2006 before this Court. This writ petition was dismissed by order dated 15.12.2014. Aggrieved by that, W.A.No.305 of 2016 was filed, which came to be dismissed on 18.1.2024. As against the same, the special leave petition in S.L.P.(Civil) No.17743 of 2024 filed before the Hon'ble Apex Court was also dismissed by order dated 27.8.2024.

(vii) Even though the right of the Thenkalai to recite Divya Prabhandham outside the temple was recognized and allowed and it was also conceded in the earlier proceedings, an attempt was made to stop the Thenkalais to recite Prabhandhams even outside the temple. This has resulted in a representation made to the second respondent, who, by the impugned communication dated 28.5.2024, refused to permit the Thenkalais from reciting Prabhandham even outside the temple during the procession. This is put to challenge in the present writ petition.



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4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned communication.

5. The only issue that is involved in the present writ petition pertains to the right claimed by the persons belonging to the Thenkalai Sect to recite Prabhandhams outside the temple during procession.

6. The scope of the civil court decree that was passed in favour of the Thenkalais and the enforcement of the same were dealt with by this Court in the earlier writ petition in W.P.No.20952 of 2006. Before dealing with the order passed in the said writ petition, it will be very appropriate to consider the stand that was taken by the Executive Officer of Vilakkoli Perumal Sri Vedhantha Desikar Thirukoil and also the stand that was taken by Sri Thatha Desika Thiruvamsathan Sabha by way of filing two separate counter affidavits in the said writ petition.

7. The stand taken by the Executive Officer in the counter affidavit in WP.No.20952 of 2006 is extracted as follows :



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"I submit that the reciting of Divyaprabandham, being the 4000 Tamil verses of Alwars and Desika Prabandham, Tamil verses written by Shri Vedantha Desika are recited in this temple as a part of the Vaikanasa Pooja. This service is done by the Vadakalai community people. I submit that the Vadakalais are doing daily reciting of Tamil verses during the pooja time twice daily, on all important fortnightly, monthly and annual festivals including the 10 days celebration preceding the Purattasi Sravanam Day - which is the birth star of Shri Vedantha Desika. The Vadakalai community is doing the said services according to their tradition and in honour of Sri Vedantha Desika for more than past 50 years continuously. On the 9th day festival of Sri Varadarajaswamy during the Vaikasi month, when Varadarajaswamy visits Sri Vedantha Desikar Shrine to honour him, the Thenkalais, who accompany Shri Varadarajaswamy, will not enter the temple and they will remain outside only. Whenever Sri Vilakkoli Perumal and or Sri Vedantha Desikar used to visit Little Kanchipuram, the Thenkalais and the Vadakalais used to join together and recite Tamil verses in the streets. Apart from this, on Vaikunta Ekadasi day, when Sri Perumal goes round in Raja Veedhi, both of them will recite Tamil verses. Except the above, on no



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other occasions, they did any service."

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8. The stand taken by Sri Thatha Desika Thiruvamsathan Sabha in the counter affidavit in WP.No.20952 of 2006 is extracted as hereunder :

"3. Be that as it may, the temple, which is the subject matter of this present writ petition is a Vadakalai temple and it is the birth place of Shri Vedhantha Desikan, the Vadakalai Acharya. The members of Thathachar (also belong to Vadakalai Sect) family are the sole Miras Holders in the temple and have been rendering various services viz. Vedha Parayanam, Mandhira Pushppam, etc. By virtue of the compromise decree in the year 1908 involved in the present case, it was agreed to follow the same procedure followed in Sri Devarajaswamy Temple, Kanchipuram and the persons from Thenkalai Sect were permitted to render the service of recitation of 4000 verses of Tamil Dhivya Prabandham in the Vadakalai Acharya Temple namely the temple at Sri Vedhantha Desikar birth place. It is pertinent to submit that though, by virtue of the compromise decree, persons from Thenkalai Sect can render the service of recitation of Tamil Prabandham at Vadakalai Sect Acharya, for the reasons best known to the persons belong to the Thenkalai



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Sect, the persons of Thenkalai Sect did not render the service of recitation of Tamil Prabandham, inside the temple or in front of sanctum sanctorum of Sri Vedhantha Desikan and Vilakkoli Perumal. However, they were reciting the Prabhandahm outside the temple and the said practice is still in vogue. All along, they were reciting the Prabhandham outside the temple without any disturbance. The persons of Thenkalai Sect have admittedly waived their right of reciting Prabhandham inside the temple and continued to recite the same only outside the temple. Since the persons from Thenkalai Sect were not rendering service inside the temple or in front of the deity in sanctum sanctorum, persons from Vadakalai Sect are rendering service of recitation of Tamil Prabhandham including Desikar Prabhandham inside the temple before sanctum sanctorum. Further, Vazhi Thirunamam of Sri Vedhantha Desikar alone is being recited inside the temple in front of the deity or in front of the sanctum sanctorum. For more than 80 years, only the persons from Vadakalai Sect, joining the members of Thathachar family, alone are rendering service of reciting Dhivya Prabhandham and Vazhi Thirunamam of Sri Vedhantha Desikar, the Vadakalai Acharya. Thus, for more than 80 years, the rendering of service inside the temple,



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rendering and participating and performing the rituals inside the temple of Sri Vedhantha Desikar and Vilakkoli Perumal by the people belonging to Vadakalai Sect alone has become the established usage and customs of the temple in question. It appears that the elders of Thenkalai Sect have consciously waived their right to render service inside the temple because the temple belongs to Vadakalai Acharya, Sri Vedhantha Desikar and continuously restricted their service by reciting Prabhandham outside the temple only.

4. It is humbly submitted that during all those years of more than 80 years, the persons from Thenkalai Sect have never raised any dispute or questioned the above narrated usage and custom followed in the temple. Contrary to the established usage and custom followed in the temple for more than 80 years, a dispute to recite the Prabhandham inside the temple was raised for the first time in the year 2006 that too during the consecration ceremony. It appears that the motive was to just to disturb and spoil the smooth celebration of consecration festival at Vadakalai Acharya temple. Persons, who created a problem, had given in writing that they will not cause any disturbance. Further, based on the evidences and following the established usage and custom in the temple, the second respondent herein has also



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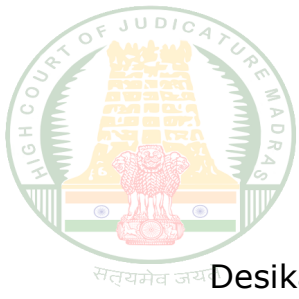


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passed an order holding that since persons from Vadakalai Sect alone were reciting Prabhandham inside the temple/in front of the sanctum sanctorum for more than 50 years and following the usage and custom prevalent for more than 50 years, permitted the Vadakalai Sect persons to render the service of recitation of Prabhandham and Vazi Thirunamam of Sri Vedhantha Desikar."

9. The above stand taken by both the Executive Officer as well as the Sabha and the observations made by this Court in the earlier writ petition formed the basis seeking for the relief in the present writ petition to permit the devotees belonging to the Thenkalai Sect to recite Prabhandhams outside the temple during the procession.

10. The respective learned Senior Counsel appearing on behalf of the private respondents submitted that there will be no difficulty if the devotees belonging to the Thenkalai Sect merely recite Divya Prabhandham outside the temple during the procession and the entire dispute arises when they insist that they will recite the verses in praise of Acharya Manavala Mahamuni and stop persons belonging to the Vadakalai Sect from reciting the verses in praise of Swami Vedhantha



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Desikar. It was further submitted that the relief sought for by the persons belonging to the Thenkalai Sect by relying upon the judgment and decree of the civil court, was not granted in the earlier round of litigation and it was confirmed upto the Hon'ble Apex Court.

11. According to respective learned Senior Counsel appearing for the private respondents, apart from that, yet another writ petition came to be filed in W.P.No.15076 of 2014 to enforce the judgment of the civil court and this writ petition also came to be dismissed by order dated 15.12.2022. It was further contended that the very same issue has been raised in the present writ petition and that it is barred by the principles of res judicata.

12. In the considered view of this Court, the petitioners are tracing their right to the decree passed by the civil court. However, it is now too well settled that a decree passed by the civil court cannot be enforced by invoking the jurisdiction of the Writ Court under Article 226 of The Constitution of India.



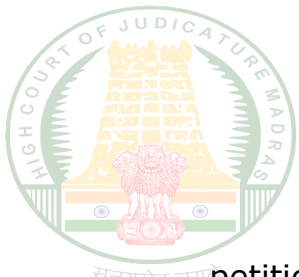
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13. Useful reference can be made to the judgment of the Apex Court in the case of **Swamy Atmananda Vs. Swami Bodhananda & Others [reported in 2005 (3) SCC 734]**; and the judgment of a Division Bench of this Court in the case of **Government of Tamil Nadu Vs. Rajamanickam [reported in 1996 (2) CTC 211]**.

14. It is clear from the above cited judgments that a Writ Court cannot be used as an Executing Court to implement the decree passed by the civil court. Apart from the above, even in the earlier round of litigation, the writ petition was dismissed on the ground of availability of an alternative remedy and on other grounds. The order passed in the earlier writ petition was confirmed upto the Hon'ble Supreme Court, which also granted liberty to avail the remedy in a manner known to law. The remedy that is now available for the petitioners is to file an execution petition before the competent civil court if at all they are seeking to enforce their right traceable to the decree passed by the competent civil court.

15. The impugned letter of the second respondent that has been put to challenge in the present writ petition cannot be faulted by the



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petitioners since the second respondent has taken into consideration the repeated clashes that took place between the Thenkalais and Vadakalais during festive occasions and the second respondent does not want any breach of peace. Time and again, during such occasions, the persons belonging the Thenkalai and the Vadakalai Sects have literally come to blows for their fervour to establish the superiority of their respective Acharyas. Therefore, the second respondent wanted to avoid such a volatile situation during an occasion, which needs to be celebrated in peace.

16. If, according to the petitioners, their right to recite Prabhandham outside the temple during the procession and stop the persons belonging to the Vadakalai Sect from reciting the verses in praise of Swami Vedhantha Desikar, was recognized by the second respondent and the Sabha in the previous round of litigation, that cannot be a ground to file yet another writ petition before this Court to enforce the same. That may be a ground for filing a petition before the competent civil court to execute the decree.



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17. In the case in hand, the dispute arises in the Vilakkoli Perumal Sri Vedhantha Desikar Thirukoil at Kanchipuram. It is not in dispute that this temple is being administered and managed by the devotees belonging to the Vadakalai Sect for decades together. As was observed in the earlier order dated 15.12.2014 passed by this Court in W.P.No.20952 of 2006, the persons belonging to the Thenkalai Sect did not take any steps to exercise their right conferred on them by the decree and hence, it was held that they waived/abandoned their right.

18. Under the given situation, if really the devotees belonging to the Thenkalai Sect want to participate in the procession in a peaceful manner, they must participate in the procession at the time of reciting Divya Prabhandham, which is common for both the Thenkalai and the Vadakalai Sects. Instead of attempting to project the respective Acharyas even above Lord Venkateshwara, which formed the basis for the dispute between both sides, at some point of time, one of the parties has to rest in abiding by the rule of law and making the entire event peaceful, which is the objective of any religion.



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19. The above observations made by this Court in this order shall be kept in mind by the devotees belonging to the Thenkalai Sect. Therefore, if they want to think through and act upon the above observations, they can always participate in the procession outside the temple and recite Divya Prabhandham along with the devotees belonging to the Vadakalai Sect. On the other hand, if they strongly feel that they must recite the verses in the praise of their Acharya - Sri Manavala Mahamuni and close with the benedictory verses in praise of their Acharya, they will have to necessarily approach the civil court so as to execute the decree. Let better sense prevail.

20. In the light of the above discussions, this Court does not find any ground to interfere with the impugned letter dated 28.5.2024 issued by the second respondent. It is also made clear that the second respondent shall not be dragged to the police station on the basis of the complaint given against him/her for the enforcement of the civil court's decree. The police officials must interfere only when there is a breach of peace and if the situation is going out of control. Apart from that, the police officials have no role to play in the execution of the civil court's decree.

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21. I wish to conclude this judgment thus :

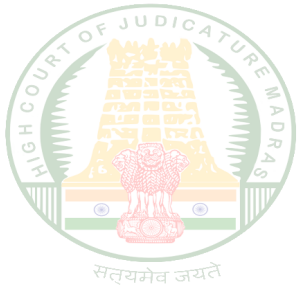
***Vadakalai and Thenkalai, two petals on one stem,
both seek Lord Venkateswara Perumal,
both belong to Him.***

***In the name of Acharyas, the quarrels still ignite,
yet, those wise souls now bask in the Lord's pure light.
Their journeys ended at His lotus feet so grand,
while we, their children, still draw lines in the sand.
Let us honour their path, let old divisions cease -
and walk together united in faith and peace.***

22. With the above observations, the writ petition stands dismissed. No costs. Consequently, the connected WMPs are also dismissed.

17.6.2025

Index : Yes
Neutral Citation : Yes



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N.ANAND VENKATESH,J

RS

To

1.The Commissioner, Hindu
Religious & Charitable
Endowment Department,
Nungambakkam, Chennai-34.

2.The Executive Officer,
Vilakoli Perumal (Deepa
Prakasar), Sri Vedantha
Desikar Thirukoil,
Little Kancheepuram.

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