

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

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CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 3838 of 2025

A.RAJENDRAN

... Petitioner

Vs

THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT,
COIMBATORE DISTRICT.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent to conduct the enquiry and to complete the same in time bound manner pending in O.A.No.20 of 2015 dated 22.12.2015 before the respondent ever since 2015 and to pass suitable order.

For Petitioner : Mrs.V.Usharani

For Respondent : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)



W.P.No. 3838 of 2025

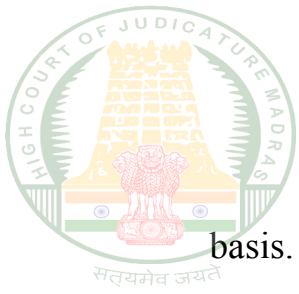
ORDER

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This writ petition is filed for a direction to conduct and complete the enquiry in a time-bound manner pending in O.A.No. 20 of 2015 dated 22.12.2015 before the respondent.

2. On a perusal of O.A.No.20 of 2015, it is claimed that Arulmigu Varatharaja Perumal and Senraya Perumal Temples are situate in S.F.No. 283 of Aavalappatti Village, Negamam, Pollachi Taluk, Coimbatore District belongs to a particular caste.

3. The prayer in the original application is to frame a scheme of administration by appointing Non-Hereditary Trustees among the persons from a particular caste and that too a sub sect of particular caste. If a scheme has to be framed in respect of a temple and the application is pending, certainly, the Court will direct such a scheme to be framed. However, in this case, the entire prayer in the said application is based only on "Caste". The affidavit filed in support of the writ petition also proceeds only on the said



W.P.No. 3838 of 2025

basis.

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4. Caste is a social evil. Casteless society is our constitutional goal. Anything towards perpetuation of caste can never be considered by any Court of law. The reason is very simple. Firstly, it is not decided by what one learns or does in life. It is by birth. Thus, it hits at the very basic ethos of the society that all men are born equal. (பிறப்பொக்கும் எல்லா உயிர்க்கும்) Further, it divides society, leads to discrimination and violence and is against growth. The same has been emphatically laid down by the Hon'ble Supreme Court of India, in *Ashoka Kumar Thakur -Vs- Union Of India*¹ After noting down the contention that the Constitution does not think of a casteless society, in paragraph No.238, it was held that "the ultimate object is to see that no person gets discriminated against because of his caste. If that be so, it would not be right to say that the ultimate objective is not the casteless society." In paragraph No.298, it is held that "ultimate aim is a casteless and classless society in line with the dream of the Constitution-framers that has to be chewed out." In paragraph No.310, it is held that "It needs no emphasis that if ultimately and indisputably the constitutional goal is the casteless and

1 (2008) 6 SCC 1



W.P.No. 3838 of 2025

WEB COPY

classless society...." In paragraph No.328, it is stated that "when the object is elimination of castes and not perpetuation to achieve the goal of casteless society and a society free from discrimination of caste, judicial review within the permissible limits is not ruled out." In paragraph No.363, it is mentioned that "our leaders have always and unanimously proclaimed with one voice that our constitutional goal is to establish a casteless and classless society." In paragraph No.605, it has been held "...caste matters and will continue to matter as long as we divide society along caste lines. Caste-based discrimination remains. Violence between castes occurs. Caste politics rages on. Where casteism is present, the goal of achieving a casteless society must never be forgotten. Any legislation to the contrary should be discarded." In paragraph No.666, it is mentioned that "caste has divided this country for ages. It has hampered its growth. To have a casteless society will be the resolution of a noble dream." Thus, if at all it can only be taken into account, it can only be to provide reservation and positive discrimination to uplift the downtrodden/backward classes.



W.P.No. 3838 of 2025

5. Despite seventy-five years of our Constitution, sections of the society are yet to shed this unwanted baggage. The very operation of the Constitutional scheme is frustrated, and the caste system leads to the perversion of the goals and values of the society. Thus, any prayer made which is in the nature of or which has the effect of perpetuation of caste will not only be unconstitutional but would be opposed to public policy. The time has come for this Court to emphatically declare so.

6. **Dr. B.R. Ambedkar**, in his famous speech on 25th November, 1949, on conclusion of deliberations of the Constituent Assembly, stated;

“In India there are castes. The castes are anti-national. In the first place because they bring about separation in social life. They are anti-national also because they generate jealousy and antipathy between caste and caste. But we must overcome all these difficulties if we wish to become a nation in reality. For fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint”.

Thus, it would be violence to the Constitution to entertain prayers on caste basis and exercise the jurisdiction under Article 226 of the Constitution of India.



W.P.No. 3838 of 2025

WEB COPY

7. In this case, we are in the realm of prayer relating to the temple practice. In this context, nobody can understand our religions better than **Swamy Vivekananda**. If religion and worship are for the benefit of the soul, he said, “*The soul has neither sex nor caste nor imperfection*”

8. In view thereof, I hold that the very prayer of the petitioner is opposed to public policy and constitutional goals and as such, this Court, exercising power under Article 226 of the Constitution of India, can never aid such prayers. Therefore, O.A.No. 20 of 2015 need not be Considered by the respondent and shall stand dismissed. Accordingly, this writ petition is disposed of.

9. The disposal of this writ petition will not, in any manner, disentitle particular individuals from claiming trusteeship as being the devotees. For the trusteeship, what is required is a deep devotion and faith “ஆன்மிக சிந்தனை” and the virtuous behaviour “அற சிந்தனை”. Therefore, when the temple takes up framing of any scheme, trustees with those qualities can only be appointed as



W.P.No. 3838 of 2025

trustees and the scheme can only be framed in that manner, not on the basis of the caste. Therefore, this order will not disentitle the petitioner or other individuals from claiming trusteeship on the basis that they are eligible devotees.

10. With the above observation, the writ petition stands disposed of. No costs.

05.02.2025

Neutral Citation: Yes
nsl

To
THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT,
COIMBATORE DISTRICT.



WEB COPY



W.P.No. 3838 of 2025

D.BHARATHA CHAKRAVARTHY, J.

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W.P.No. 3838 of 2025

05.02.2025

Page No.8/8