

Madras HC Thiruparankundram Ruling: Why Security Concerns Were Rejected

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Thiruparankundram Ruling Latest News

- The Madras High Court resolved the dispute over lighting the **Karthigai Deepam lamp** at Thiruparankundram hill by permitting the ritual to proceed, while barring public participation.
- The Division Bench dismissed the Tamil Nadu government's claims of potential communal unrest as unfounded, calling them an "imaginary" apprehension.

Background of the Thiruparankundram Dispute

- Thiruparankundram Hill rises about 1,050 ft on the outskirts of Madurai.
- At its base stands the ancient Arulmigu Subramanian Swamy Cave Temple, long associated with Hindu worship.
- Over centuries, Jain rock beds and caves were also carved on the hill.

Sufi Dargah at the Summit

- The summit houses the burial site of the Sufi saint **Sikkandar Badhusha**, around which a dargah later developed.
- These overlapping histories gave the hill **multiple identities**, including **“Samanar Hill”** for its Jain links and **“Sikkandar Hill”** after the saint.
- Because of its shared religious significance, the hill often requires police deployment during festivals, when access and movement become contentious.

Early Legal Settlement (1920-1923)

- A civil suit filed in 1920 by the temple Devasthanam claimed ownership of the entire hill.
- In 1923, the trial court ruled that:
 - Most of the unoccupied hill and pilgrim path belonged to the temple;
 - The topmost peak, the area around the mosque, Nellithope, and the steps leading to it were Muslim property—an arrangement that underpins later disputes.

Earlier Disputes at Thiruparankundram

- **Recurring Litigation Over Ritual Practices** – Legal disputes over Thiruparankundram have persisted for decades, reflecting sensitivities around ritual practices and shared access to the hill.
- **Flagstaff and Animal Sacrifice Controversies** – In 2021, a dispute arose over replacing a wooden flagstaff at the dargah with an iron one.
 - In early 2025, an attempt to perform animal sacrifice at the hilltop led to litigation; a three-judge Bench prohibited it, noting the hill’s status as a protected monument under the Archaeological Survey of India rules.
- **History of Restrictions on Lamp Lighting** – Court records show that attempts to light lamps near the summit were stopped by authorities in the 19th and early 20th centuries, citing lack of established custom and public order concerns.
- **High Court Directions in the 1990s** – The issue resurfaced in 1994 when volunteers sought to light the Karthigai Deepam at the peak.
 - In 1996, the High Court directed that the Deepam be lit at the Uchipillaiyar Temple mandapam, permitting alternate locations only if they were at least 15 metres away from the dargah, the flight of steps, and the Nellithope area.
- **Present Dispute** – The current case revisits this long-standing issue, focusing specifically on the lighting of a festival lamp at the hilltop under tightly regulated conditions.

Trigger for the 2025 Thiruparankundram Dispute

- **Petition to Light the Karthigai Deepam** – In late November 2025, a group of worshippers approached the Madras High Court seeking permission to light the Karthigai Deepam on December 3 at a stone pillar on Thiruparankundram, locally known as the **“Deepathoon.”**
- **Single Judge’s Order** – A Single Judge **allowed the plea**, treating it as restoration of a religious practice.
 - The court directed the temple management to light the lamp with police assistance, noting that Karthigai is a festival of lights celebrated beyond temple interiors.

- When the temple's Executive Officer flagged law-and-order concerns, the Single Judge initiated contempt proceedings and permitted a small team to climb the hill under security cover.

State Government's Objections

- The State government and the **Hindu Religious and Charitable Endowments Department** challenged the order, arguing that disputes over custom and usage must be decided under the HR&CE Act, not via writ proceedings.
- The State questioned whether the Deepathoon had religious significance at all, suggesting it could be a survey marker or a remnant linked to Jain usage.
- Citing crowd control and public peace concerns, police imposed prohibitory orders. As a result, the lamp was not lit on the festival day.

Appeals Filed

- The State, the HR&CE Department, and representatives of the dargah appealed the Single Judge's order, bringing the matter before a Division Bench for final resolution.

What the Madras High Court Division Bench Ruled

- **Deepathoon Recognised as Ritual Structure** – The Division Bench held that the structure in question was indeed a Deepathoon, noting its carved cavity suitable for oil and wicks, and rejected the State's claim that it was merely a survey marker.
- **Rejection of Law-and-Order Fears** – The court dismissed the administration's security concerns as an "imaginary ghost," observing that allowing a small team of temple officials to access the hill once a year was manageable.
 - It remarked that any disturbance would arise only if "sponsored by the State itself."
- **Restricted Performance of the Ritual** – While upholding the ritual, the Bench modified the earlier order by restricting the lighting of the lamp to a limited Devasthanam team, with no public access to the hilltop.
- **Coordination and Heritage Safeguards** – The District Collector was directed to coordinate the exercise, ensuring compliance with conditions set by the Archaeological Survey of India to protect the monument.

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