Protecting a Right by Taking It Away: Parens Patriae over a Sampradaya and Article 26

Executive Summary

S. Veeraraghavan v. State of Tamil Nadu, W.P.(MD) No. 30431 of 2026, and R. Sathyanarayanan v. Secretary to Government, HR&CE Department, W.P.(MD) No. 30448 of 2026 (Madurai Bench, both decided on 23.10.2026)

Rangarajan Narasimhan, Srirangam · 8 November 2026

The orders. On 23 October 2026, the only sitting day of its Dussehra vacation, a Division Bench of the Madras High Court at Madurai finally decided, at their first hearing, two public interest petitions on vacancies in the headship of the Sri Ranganarayana Jeeyar Mutt at Srirangam (eight years) and the Thirumalirunjolai Sri Ramanuja Jeeyar Mutt at Azhagar Kovil (some eighty years, according to the order).

What the article accepts. The Srirangam order rightly held that selecting the head of a mutt is a matter of religion under Article 26(b), in which the State has no role.

What the article questions. Having shut the State out, the court kept the same power for itself. At Srirangam it directed a State officer to convene the Sthalathars, allowed a choice "unanimous or by majority", fixed six months, had the Department "acknowledge" the result, and warned that the court would otherwise act under its *parens patriae* jurisdiction through a "kindred institution". At Azhagar Kovil it named three persons to choose, without asking whether they were willing, and directed that the Department "will formally issue proceedings recognising" their choice. *Parens patriae* protects those who cannot protect themselves; a Sampradaya is the holder of the very right in issue.

The main findings

1. **Neither petition could ground a writ.** Each sought mandamus against authorities the court itself held to have no role, and neither petitioner had asked them to act. No notice was ordered to anyone and no counter was called for, though the same Bench, the same day, admitted other public interest petitions with notice.
2. **The custom was declared, not proved.** The order's statements on the custom trace to the affidavit's paraphrase or to nothing; one, that a Jeeyar must first be a Gṛhastha, is contradicted by Sri Bhashyam.
3. **The judgments cited support the holding, not the directions.** *Marthanda Varma* forbids a court to lay down a rule of succession; *Ratnakar*'s next sentence says a mutt survives a vacancy; *Vidyapurna*'s "court as representing the sovereign" was written in 1904, when the sovereign was the Crown and Article 26 did not exist.
4. **The directions exceed jurisdiction.** A State officer can convene only from the temple's records, which use "Sthalathar" in a narrower sense than the Sampradaya does, so the choice of an Ācārya would pass largely to those who stand as Śiṣyas. The Act provides for no "acknowledgment"; the mutt itself records its head. The 1989 appointment and the 2021 call for applications show where a convening role leads.
5. **The remedy harms the very right it invoked.** Article 25 protects freedom of conscience: those convened, those named, and the devotees who would receive the Ācārya would all be made to act in a manner the Sampradaya does not ordain.
6. **The Sistine Chapel comparison should never have been made.** A Jeeyar must have Jnana and Anushtana; finding him is the Sampradaya's own work, in its own time (Upadesa Ratnamalai, 61).

What a court could have done. Protect the mutt's deity and property in the interim; keep the State out; at most, request the Siṃhāsanādhipatis and Jeeyars to come together; and, where the temple has no trustees, direct the State to constitute a Board of Trustees, which is a real statutory duty.

The lesson. When a court holds that a matter belongs to a Sampradaya, the same holding marks the limit of what the court itself may do in it.