Protecting a Right by Taking It Away

The Madras High Court's orders on the Jeeyar Peethams at Srirangam and Azhagar Kovil

Rangarajan Narasimhan, Srirangam[1] · 8 November 2026

On 23 October 2026, the only sitting day of its Dussehra vacation, a Division Bench of the Madras High Court at Madurai heard two public interest petitions for the first time and decided both the same day. Each concerned a Sri Vaishnava mutt without a head: the Sri Ranganarayana Jeeyar Mutt at Srirangam, vacant for eight years, and the Thirumalirunjolai Sri Ramanuja Jeeyar Mutt at Azhagar Kovil, vacant, according to the order, for some eighty.

The Srirangam order (W.P.(MD) No. 30431 of 2026) begins with a holding every Sri Vaishnava will welcome. The selection of the head of a mutt is a matter of religion under Article 26(b) of the Constitution, and the State and the HR&CE Department have no role in it (paras 11 and 15). That is settled law, from *Shirur Mutt* onwards, and it is right.

What follows is the difficulty. Having held that the choice belongs to the Sampradaya, the court told the Sampradaya how to make it. The Joint Commissioner, a State officer, was to "call upon the Sthalattars to convene a meeting at the very earliest" (para 17). The Sthalathars were to "request eligible and suitable persons to come forward to adorn the Peetham" (para 17), and their decision "can be unanimous or by majority" (para 9). Six months was the "outer time limit". The Department was to "acknowledge" the person chosen, "and nothing more". And if the Sthalathars failed, the court "will not hesitate to step in in exercise of our parens patriae jurisdiction", through a "kindred institution" or "certain eminent Vaishnavite Saints" (para 18).

In the Azhagar order (W.P.(MD) No. 30448 of 2026), made minutes later, the court took that step at once. It named three persons to choose the next Jeeyar, set no time limit, and directed that the Department "will formally issue proceedings recognising" their choice (para 13).

Having held that the State may not interfere in a matter of religion, the court reserved the same power to itself.

---

[1] **About the author.** Rangarajan Narasimhan is a Thengalai Sri Vaishnava of Srirangam. He is not a lawyer. Since 2015 he has filed more than two hundred petitions and applications in the Madras High Court, among them more than sixty public interest writ petitions, most of them to protect the rights of temples and their denominations under Article 26: to manage their own affairs in matters of religion, free of Government servants appointed to run them, and to own and administer their property, from Hundials and accounts to ancient structures, temple elephants and cattle. He has pursued idol-theft matters in the High Court and the Supreme Court. He appears in person, and several of the orders in these matters have been reported. The views expressed are his own.

The result is not the question

Many will say the orders do good: they keep the State out and may at last end long vacancies. But a writ court's power comes from Article 226 and the limits the law places on it, not from the merit of the result. And in matters of religion, the means are themselves part of the religion. A head chosen by a process the Sampradaya does not recognize as its own is not, in its eyes, validly chosen, however suitable the person. Nor is a choice made under a court's deadline, with a warning that the court will otherwise act itself, the free act of those whose act it must be.

A petition that could not ground a writ

Both petitions sought a writ of mandamus against the State and the Department. Mandamus commands an authority to perform a duty the law places on it. The court then held that these authorities have no role at all. A court cannot command an authority to do what the court itself says it may not do. Neither petitioner had even asked them; the Azhagar petitioner said that "even sending representation to the respondents will not serve any purpose".

Those whom the orders bind were never heard. The Sthalathars, named as selectors and given six months, were not parties. No notice was ordered to anyone, not even the named respondents, and no counter-affidavit was called for. On the same day, the same Bench admitted other public interest petitions and ordered notice in the ordinary way. The State's law officer, instead of saying that the Department has no say in the matter, "straight away submitted that steps will be taken so that the said Mutt has a Head within six months" (para 3). No one before the court had an interest in opposing the petition; those who had were not there.

Nor was there any urgency. The vacation notification admitted only "cases with stay/interim applications required urgent hearing". Neither petition sought interim relief. A vacancy of eight years, or eighty, is not an emergency of hours. Listed before the regular bench after the vacation, nothing would have been lost, and those affected could have been heard.

Custom declared, not proved

The law is that succession to a mutt follows the usage of that mutt, and the usage must be pleaded and proved. For the Sri Vaishnava Sampradaya, what is right is found in its Shastras and the Pramanas of its Pūrvācāryas, not in any one person's say-so, and still less in a court's understanding.

The Srirangam petition pleaded no custom. It asserted only, on what "is learnt", that a majority of the Sthalathars supported one candidate. The order nonetheless declared who selects, that a majority suffices, and what a Jeeyar must be. Some of these statements came from the petitioner's paraphrase of the temple chronicle, the Kovil Ozhugu, without a single extract; some have no source at all. A chronicle records what was done; it is not a code of what ought to be done.

One statement shows the danger plainly. The order says that a Jeeyar "must take to sanyas after leading the life of a house holder". Sri Bhashyam says otherwise: Sri Ramanuja, quoting the Jabala Upanishad, holds that one may take Sannyāsa directly from Brahmacharya, as also from the Gṛhasthāśrama or from Vānaprastha. A Jeeyar chosen in keeping with the Sampradaya's own Pramanas may now be challenged in court for not meeting the order's test.

What the judgments actually say

The order cites eleven judgments. They support its holding that the State has no role. None supports any of its directions, and three, read in full, say the opposite.

The order quotes *Ratnakar* up to the words “there can be no Math without a Matadhipathi”. The very next sentence reads: “But it does not mean that a Math can never exist or its object be defeated by not installing the Matadhipathi”. It quotes *Marthanda Varma*, but not para 91.12: “It is not open to the court to lay down a new rule of succession or to alter the rule of succession completely.” And in *Vidyapurna*, the case on which the “kindred institution” idea rests, the appointment actually made by the head of a kindred mutt was not upheld.

A State officer at the door

Giving the Joint Commissioner the role of convener is not a small thing. In 1989 the Srirangam vacancy was filled by an order of the temple’s Executive Officer, treating the Jeeyar’s Peetham as a “பணி” (post), asking the Sthalathars only for their “opinion”, and placing the appointee under the Department’s disciplinary control, under provisions the Act says “shall not apply to maths” (mutts). In 2021 the temple administration again invited applications for the “post”, with ration cards, caste certificates and a medical fitness certificate. It stopped only after objections under Article 26.

There is a deeper problem. The word “Sthalathar” has two meanings. In the temple’s administrative records it means the holders of certain hereditary offices. In the Sampradaya’s own understanding, the Sthalathars of Srirangam include Ācārya Puruṣa lines that those records do not list today. A Joint Commissioner can convene only from his own records. The choice of an Ācārya would pass, in effect, to those who stand as Śiṣyas. And everyone the order draws in would be made to do what their faith does not ask of them. Article 25 protects freedom of conscience, which includes the freedom not to be made to perform a religious act, or to perform it in a way one’s faith does not ordain. Those convened from the temple’s records, the Uthama Nambi among them, would be told to choose a Jeeyar, by a deadline and a vote the court prescribed. At Azhagar, three religious persons were named without being asked whether they were willing; a request in a court order is not easily declined. And the devotees would receive as their Ācārya someone chosen in a way the Sampradaya does not ordain. The remedy would injure the very right it was invoked to protect.

Parens patriae over whom?

Parens patriae is the court’s power to protect those who cannot protect themselves: children, persons of unsound mind and, in Hindu law, the deity as a perpetual minor. A Sampradaya is under no such disability. It is the constitutional holder of the very right in issue. The order leans on a line in *Vidyapurna* that lists, as a last resort, appointment by the court “as representing the sovereign”. That was written in 1904, when the sovereign was the Crown and Article 26 did not exist. Today a court acting as the sovereign stands in the place of the State, which is exactly what the order itself shut out.

The fallback passage opens with a comparison: the Sthalathars “should be locked inside the Mutt premises and allowed to come out only after resolving the issue”, “just as the Cardinals are locked inside the Sistine Chapel”. The seclusion of a conclave is the Catholic Church’s own rule,

which binds it from within; no court imposes it. Under *Shirur Mutt*, what a religion requires is to be found in its own doctrines. The practice of another faith, however venerable, is no measure of it. The remark should never have been made. Had a court suggested, even in passing, that the Cardinals should choose the Pope in the manner prescribed by a Sri Vaishnava Sampradaya, it would at once have been seen for what it is. No one would suggest that judges be locked in their chambers until they decide a matter of national importance; that would rightly be taken as an affront to the dignity of the court. The Ācāryas of a Sampradaya are owed no less. And the image fixes the outcome in advance: the doors open only when a Jeeyar has been chosen. But a Jeeyar, who must be possessed of Jnana and Anushtana, knowledge and conduct in keeping with it, is not produced to order like an article bought in a market. Swami Manavala Mamunigal teaches, in Upadesa Ratnamalai, that one who reaches such an Ācārya is granted Sri Vaikuntha by the Lord Himself. Finding him is the Sampradaya's own work, in its own time.

At Azhagar the court went further, naming three selectors itself and calling all three "the Heads of the Kindred Institutions", though one of them heads no mutt. If a court may name the selectors of a religious head when it finds none, nothing stops it from naming a temple's Sthalathars, or a Sampradaya's Ācāryas, when those too are found wanting. A power with no natural end is not a power a court has.

What a court could have done

The law gives a court plenty to do when a mutt is without a head. It could protect the mutt's Perumal and property during the vacancy, as s.60 of the 1959 Act provides. It could keep the State out, as para 11 did. And if it was concerned about administration, the temple has for years been run without a Board of Trustees, which s.47(1)(a) of the Act says the authorities "shall constitute". That is a real public duty, and the kind mandamus exists to enforce. At most, it could request the Siṃhāsanādhipatis and the Jeeyars to come together and act by the Sampradaya's own usage. What it may not do is choose who chooses: naming a few sets the rest aside.

"Be flexible, and get it done"

Some within the Sampradaya will say: the Peetham has been empty for years; at least something is happening; be flexible.

But the selection of a Jeeyar is not an administrative appointment, where a practical compromise does no harm. A Sri Vaishnava is Parathanthra, bound by the Lord's Shastras, and every step he takes in such a matter must rest on a Pramana. Embar's words to Parasara Bhattar, recorded by Pillai Lokacharya in Mumukshuppadi, leave no middle ground: "Either to be uplifted as an Asthika, with taste and faith in this truth (of the Charama Sloka), or to perish as a Nasthika; there is no state in between." What holds for the Charama Sloka holds for every Pramana of the Sampradaya. If those within it may not compromise on what its Pramanas require, still less may anyone outside it, however well meant the effort.

Compromise would not even deliver what it promises. A Jeeyar placed on the Peetham by a court-designed process, convened by a State officer, would carry that origin with him. The Sampradaya's acceptance cannot be ordered. At Azhagar Kovil the record does not even show where the mutt stood or what it owns. One who takes Sannyāsa to fill that Peetham gives up

everything, and would be like a man blindfolded and left in a forest. Those who now urge compromise will not be there to share that burden.

Nor is the alternative to do nothing. The vacancy is a call to the Sampradaya itself. Its Ācārya Puruṣas, Jeeyars and pundits can sit together in a Sadas and declare, on Pramana, how the choice is to be made. That is slower than a court's deadline, but it is the only route by which the result will be the Sampradaya's own.

The lesson

The Srirangam order reached a sound declaration by a route that does not hold, and the Azhagar order followed it the same day. An order that set out to protect the rights of devotees, and rightly kept the State out, would end by denying the Sampradaya the very right under Article 26 that its own holding affirms.

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. For a devotee with a grievance about a matter internal to the Sampradaya, the first course is its own Ācāryas and Jeeyars. For the Sampradaya, the lesson is vigilance. Article 26 is rarely lost in one decision; it is worn away by small steps, each reasonable in isolation. Each step that goes unanswered becomes the starting point for the next.