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SANKARACHARYA MUṬṬ
Kancheepuram
Copies and Extracts
of
Judgements of Courts

18/4/55

Q. 65.2112.K
(2, 7 1)
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IV

Copies & Extract
of
Judgments of Courts

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Q 23: 65-2112-K (2, 7, 7)

M 48

Plaintiff :—Sesha Josier Powered Agent and Vicharana—Karthi of Sringeri Sankaracharya Mutt.

Defendants :

1. Chandrasekharendra Sarasvati Swami of Chanchi Kamakoti Peetha who has come from Kumbakonam (stated in the plaint as Chandrasekhara Bharathi)
2. Chandrasekharan Pillai, Dharmakertha of Jambukeswaram Temple residing at Picchandarkovil in Lalgudy Taluk, his adopted son Avudaya pillai after the demise of Chandrasekaran Pillai.
3. Ayyakalaiyyar Jambu Deekshitar resident of Jambukeswaram and after his death, his heir and son of his paternal uncle, named Krishna Deekshitar alias Mahadeva Deekshitar designation—Kovil Sthalathar.
4. Kuttai Deeksha Pandithar known as Periya Deekshita Panditar.—resident of the same place.
5. Periyasami Panditar and on his death, after the filing of the suit, his son Chidambara Pandithar.
6. Venkitaraya Panditar.

I. First Appeal No. 45 of 1907, from the decree passed by Chandulal Mathurdas, Esq., First Class Subordinate Judge at Ahmedabad in Civil Suit No. 640 of 1904.

By Honourable Mr. Basil Scott, C. Justice and Mr. Batchelor 1908.

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8. Subbaraya Panditar—Archakar.
9. Chinnuwayan
10. Perumalaiyan
11. Aanai Ayyan—Sthanikam
12. Muthia Pillai
13. Jambulingam Pillai
14. Krishna Pillai
15. Sivalingam Pillai
16. Nagarathinam Pillai—Accountant.

Subsance of the plaint in the suit :—

"The right of repairing the Chakra Thatankas (ear-ornaments) of Goddess Akhilandesvari in Jambukesvaram (the Temple at Tiruvanaikovil), is vested with the Sringeri Sankaracharya Swami, master of the plaintiff".

(N.B.) English translation of a small portion of the judgment (in Tamil) delivered on 17th October 1846 A.D., by Syed Geeyawood Zeen, Principal Sudar Amin: Trichinopoly, in O. S. No. 95 of 1844.

"The evidence of the witnesses No. 1 and No. 13, their age, especially what has been deposed by the first witness, the contents of the exhibits numbered as 64 and 65, and further that these two exhibits when compared with the accounts; exhibit No. 222; are all explicitly self-contradictory. In the matter of taking the evidence of these witnesses as true, the evidence belies the exhibits filed by the plaintiff and noted as very strong records for his master's having repaired the ornaments (ear ornaments of Sri Akhilandeswari) as decidedly stated in the recorded statement by the Swami of Sringeri Mutt. Because of these reasons the truth of the depositions of the above witnesses, and the exhibits noted above are unbelievable".

"In view of the above proofs the suit of the plaintiff is not maintainable and is dismissed with costs".

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TV-2

(b) Extract from the judgment of E. Story, Acting Civil Judge, Civil Court of Trichinopoly.

Appeal No. 109 of 1846.

Appellant: —Sesha Josier (Powered Agent of Sree Sankara Achary Swami, Narasimma Baratha Swamy, the Singaree Madathypathy residing in Singaree.

"The Court cannot close the case without remarking on the evidence adduced by appellant to prove the actual reparation of the ear ornaments by Singaree Swamy in A.D. 1757."

"In the restrictions on the evidence of appellant's 1st and 13th witnesses to this point by the Principal Suder Ameen, the Court fully concurs. That they were both eye-witnesses to the reparation, is highly improbable and as regards the 1st witness utterly false and for the reasons assigned by the Principal Suder Ameen."

"Decree of the Lower Court confirmed with costs".

(Signed) E. Story, Acting Civil Judge.

12th day of January, A.D. 1848

TV-3

(c) Extract from the proceedings the Sudar Adalut dated 11th September 1848 A.D.

Special Appeal Petition No. 106 of 1848 presented on 1st July 1848 by R. Teroomal Row, Vakeel on behalf of Sesha Joseyar (Powered Agent of Sringeri Mutt).

"The special appellant now impugns the justness of these decrees (the decrees of the two lower courts) but the Court of Sudar Adalut having carefully considered his objections urged against them, are of opinion that no good or legal grounds exist, which would justify the admission of a special appeal in this casethe petitioner's prayer for the same cannot be complied with"

(True extract)

(Signed) G. J. Grant Trust
Hd. Asst. to the Registrar,

TV-4

(d) Extract from the proceedings of the Sudar Adalut* in S.M.P. No, 398 of 1848-dated 30th October 1848

Special Petitioner:—R. Teroomal Row, Vakeel on behalf of Sesha Josier (Powered Agent of Sringeri Sankaracharya Mutt).

"The Court of Sudar Adalut see nothing in this petition which would induce them to question the propriety of their orders of which the petitioner complains and they accordingly resolve to dismiss his petition†"

*The then High Court at Madras.

† It is to be noted that all the judges who respectively tried the cases in the three courts, (mentioned in this section) had been Non-Hindus.



TV-5

III. Extract from the Judgment of Sir John Wallis, Chief Justice and Justice Mr. Ayling of the High Court of Madras.

In S. A. Nos. 1282 and 1283 of the High Court of Madras, (1917—A.D.)

Sri Kanchi Kamakoti Swami Avergal-Sikkudayar Swami*
Avergal, Sri Sankaracharya Swami.

Versus

Manali Saravana Mudaliar and another—Srotriendars of three Srotriem villages in Chingleput District.

"We think the evidence justifies the inference that this payment of the disputed merai had a lawful origin and was not merely voluntary"*

**Lord Ekamranatha the presiding deity of the principal Siva Temple in Kanchipuram is known as 'Dodda Udayar' and the Sankaracharya of Kamakoti Peeta as 'Chikka Udayar'.

There have been orders by the government of the times that 1/4th part of the land-tax payable to government should be paid to Lord Ekamranatha Swami of Kanchipuram in the name, 'Dodda Udayar Merai' and also to the Sankaracharya Swami of Kanchipuram in the name, 'Chikka Udayar Merai'; by land-holders in some taluks around Kanchipuram.



IV

தஞ்சாவூர் பூ மகாலக் காமகோட்டி அம்பாள் தேவஸ்தானத்தின் குமாரபிஷேக சம்பந்தம் தஞ்சாவூர் மூர்த்திகேள் ஜட்ஜ் கார்ட்டின் உத்தரவு

Proceedings of the Subordinate-judge's Court, Tanjore regarding the Kumbabishekam of Sri. Bangaru Kamakshi Temple at Tanjore. (8-11-1924)

PROCEEDINGS OF THE SUBORDINATE JUDGE'S COURT TANJORE

No. 2043/11-11-24

Dated 8th November 1924

Read the following:—

1. Letter dated 2nd November 1924 and received in this court on the 4th instant from M. R. Ry. R. S. Krishna-swami Ayyar, Avl., Managing Trustee of Sri. Bangaru Kamakshi Amman, Devasthanam, Tanjore:
2. Report dated 3rd November 1924 from Mr. Shridhara Sastri, Stanik Trustee: and
3. The report presented to the undersigned at the Temple by Shridhara Sastri and other persons said to be Staniks of the temple when the temple was inspected.

ORDER

Out of the five trustees appointed to manage the temple affairs in accordance with the decree in the scheme suit passed in O. S. No. 1 of 1919 on the file of the Additional Sub Court, Tanjore, four trustees have, at a meeting held, resolved to approach His Holiness Sri. Sankarachariar of Kumbakonam Mutt and request him to do the necessary repairs to the temple. In pursuance of the resolution the Managing Trustee asks this Court's permission to get the repairs and the consequent Kumbabishegam etc., performed by His Holiness Sri. Sankarachariar at his expense. The fifth trustee Mr. Shridhara Sastri objects to the performance of any repairs till the High Court appeal against the decree of the Additional Sub Court is disposed of. It appears that the scheme was settled by consent of parties and it is said that the appeal is in respect of certain lands which the Court found not to belong to the trust. We need not therefore await the result of the appeal.

2. It is said that the income of the temple properties is very little and that the trustees cannot afford to spare any money to do the necessary repairs from out of the sayings. The Managing Trustee approached His Holiness Sri Sankarachariar of Kumbakonam Mutt and prevailed upon him to undertake the necessary repairs at his expense. Apparently His Holiness the Swamigal is anxious to put the image of the deity and the temple in order as he is the trustee of the Conjeevaram temple to which the deity originally belonged. His Holiness, naturally, takes interest in the deity here. I went and inspected the temple in order to satisfy myself whether any urgent repairs are required. It cannot be said that the temple would collapse if repairs are not made immediately. I have no doubt that immense repairs are required for the temple. The temple presents a very old appearance and some of the bricks appear to be loose. There is also a crack in the wall. In the Garbhagriham where the deity is installed there are planks to the ceiling and some of them are said to be loose. They are wooden planks put up many years ago. The oldest person present on the occasion who is said to be 80 years old, stated to me on questioning him that the planks were put up long before he attained years of discretion and they were not touched during the last 60 or 70 years at least. I have no doubt that the temple requires considerable repairs and it is in the interest of the temple itself that it should be thoroughly renovated.

3. The Staniks, in their petition presented to me at the temple, simply say that there are many people willing to make the repairs and perform Kumbabishekam etc., spending lakhs of rupees, but no such man's name is given. Somehow the Managing Trustee prevailed upon His Holiness Sri. Sankarachariar to undertake the repairs at his expense. I am also told that the Swamiji is shortly going on pilgrimage to Benares. It would certainly take a number of years before he returns. The opportunity now afforded may be lost if advantage is not taken of His Holiness's consent to effect the necessary repairs. I therefore think it desirable to accord sanction to the trustees to get the necessary repairs and ceremonies performed at the expense of Sri. Sankarachariar's Mutt and under the guidance of His Holiness Sri Sankarachariar Avl. He is the religious Guru of the Smarthas in this part of the country at least and he is the person who has to be appealed, to state what ceremonies have to be performed and in what form. I therefore agree with the Managing Trustee in holding that these matters should be entirely left to the decision of the Swamiji.

4. In their petition presented to me by the Stanikars they state that they alone are entitled to touch the idol, to perform abishegam etc. It is also said that even Sri Sankarachariar cannot do any of these things or see the idol when abishegam is performed or Kavacham is removed. I cannot understand this. They are the descendants of those who must have been originally appointed at the instance of some previous occupant of Sri Sankarachariar's Peetam. As I have already remarked, this image originally belonged to Conjeevaram temple over which the Kumbakonam Mutt has complete sway. It is absurd to say that the master who appoints the servant is not entitled to do the duties allotted to the servant. It is something like a Judge who is appointed by the King objecting to the King himself judging a case in the court. The objection of the Staniks cannot stand for a moment.

5. The Managing Trustee, I think, ought to be congratulated on his having secured the help of His Holiness Sri Sankarachariar for getting the repairs made.

6. I accord the sanction applied for.

Sd. A. NARAYAN,
Subordinate Judge.

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V. Extract from the Judgment of Hon. Justice P. Sathyanarayana Rao and Hon. Justice Rajagopalan in C.M.P. 2591 of 1951 of the High Court of Madras.

[Reported in I.—M.L.J. 557, =A.I.R. 1952—Madras-613]
Sri Lakshmindra Thirtha Swamiyar of Sirur Mutt.

Versus

The Commissioner of Hindu Religious Endowments, Madras.

'When Buddhism was in its ascendancy in India and when Buddhist monks became popular, Sri Jagadguru Adi Sankaracharya gave a new orientation and infused fresh blood into

TV - 7 (contd.)

Hinduism and stemmed the tide of the rapid spread of Buddhism in India. He established the Advaita or Vedantic system of philosophy with which his name is always associated. He was the first, so far as tradition goes, to establish Mutts for the propagation of his philosophy and the reclamation of Hinduism. Tradition has it that after conquering the rival faiths he established Advaita system of philosophy and founded four Mutts or seats of learning in the four corners of this vast sub-continent-Sringeri* Sharada Peeta in Mysore, in the south with which, it is familiar knowledge, the name of that great and erudite scholar and philosopher Vidyaranya'swami⁶ is associated; Badrinath in the Himalayas in the north; Jagannath or modern Puri in the east; and Dwaraka in the Bombay Presidency, in the west. In each of these Mutts, as their heads, he installed his principal disciples, and he himself assumed the headship of Sarvagna Peeta or the central seat of knowledge at Kanchi, the modern Conjeevaram".

*After Mandana Mishra had become an ascetic disciple of Sankaracharya, Mandana's dharmapatni who was an accomplished Sarasvati began to long for him and to Brahmaloka. Sri Sankaracharya requested Her to follow him and his disciples on a journey to Brahmaloka on condition that he should not look back. If She was following. But a well-reacher (Kudal) of the two rivers, the Godavari and the Krishna, anklets got stuck up in the sand. The anklets in the anklets were not audible. At that time, Sankaracharya looked back forgetting his promise. The Sarasvati (Sarasvati) stopped there itself. Sankaracharya arrived at that very spot. And for the worship of the Divine Presence, he established a mutt there. A mutt sprang up at that place beside the four Char Dham and the institution of Sankaracharya's last place.

Vide :- Sivaganga Mutt (Chapter VII) and 2. 'The History of the Empire of Vijayanagara' both by the late Mr. Row, M.R.A.S., Founder of the Asiatic Society, Bangalore.

verse of the III canto of 'Guruv. Ch also mentions the consecration at a place on the bank of the Tungabhadra.