

# News

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## **The Madras High Court's ban on Muslim prayers at Thiruparankundram Hill is upheld by the Supreme Court.**



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**THE MADRAS HIGH COURT'S BAN ON MUSLIM PRAYERS AT THIRUPARANKUNDRAM HILL IS UPHELD BY THE SUPREME COURT.**

***The High Court's decision that prayers at the Nellithoppu area can only be held during Ramadan and Bakrid was rejected by the Court.***

On Monday, the Supreme Court refused to overturn a decision by the Madras High Court that prohibited Muslims from praying at the Nellithoppu neighborhood of Thiruparankundram Hill outside of Ramadan and Bakrid [M Imam Hussain v. The Secretary to Government & Ors].

***Advocate Prashant Bhushan filed a case contesting the portion of the Madras High Court decision that limited Muslim prayers on the hilltop, but it was dismissed by a***

***bench of Justices Aravind Kumar and PB Varale.***

The Court noted that the Madras High Court's approach was "very balanced" in the process.

***Bhushan contended during the hearing that the High Court had overreached itself by limiting requests to just two times a year. He maintained that the Muslim community owned the Nellithoppu neighborhood and that there had never been a law and order issue brought on by prayers being held there.***

Bhushan insisted that as long as restrictions were put in place to make sure that no annoyance was caused, there was no reason to deny Muslims the ability to pray on their own property. He maintained that these protections could always be put in place without destroying the right itself.

However, the Court rejected the plea and remained unimpressed.

***The ancient Arulmigu Subramaniya Swami Temple and the Sikkander Dargah in the Nellithoppu neighborhood of Madurai's Thiruparankundram hilltop are the origins of the dispute. Concerns regarding religious rites at the mound were raised in a number of petitions submitted to the Madras High Court.***

The High Court was presented with three main issues: attempts to call the hillock "Sikkandar Malai," the practice of animal sacrifice in the dargah, and the permissibility of Muslim prayers in the Nellithoppu area.

***At first, a Division Bench issued a split decision. The other judge decided that such activities could not be allowed without evidence of long-standing custom, whereas the first judge held that animal sacrifice could not be selectively prohibited. Because of this discrepancy, a third, tie-breaker judge heard the case.***

According to the tie-breaker judge, animal sacrifice was not allowed at the hillock unless the dargah officials could prove in a civil court that it was a site-specific ritual. The judge said that a formal prohibition on such activities will be established due to the area's protected monuments, which would require clearance from the Archaeological Survey of India.

***The High Court dismissed any attempt to rename the hillock as "Sikkandar Malai," pointing up that previous rulings, ASI notices, and official records all continuously***

***referred to it as Thiruparankundram. The Court noted that renaming the entire hill would be deceptive and offend Hindu sensitivities, and that the dargah's rights only applied to a limited section of the hillock.***

The last topic was Muslim prayers in the vicinity of Nellithoppu. According to several petitioners, these events disrupted the hillock's sacredness and caused inconvenience for Hindu devotees who utilized the same route to get to neighboring temples by causing crowding, littering, and the presence of non-vegetarian food.

***The High Court established stringent requirements but found that congestion alone could not be a reason to reject requests. It decided that during Ramadan and Bakrid, prayers could still be held in the Nellithoppu district as long as they didn't block traffic, create a nuisance, or entail cooking, animal sacrifice, or the transportation of non-vegetarian food.***

This restricted authorization, which only permitted prayers during two festivals, was challenged before the Supreme Court.

The Madras High Court's arrangement is still in place because the Supreme Court has now declined to get involved and dismissed the plea.

Bhushan and Advocate Shiyas Kr represented the petitioner.

***Advocates Veeraragavan, Shobha Ramamoorthy, V Ramakrishnan, Shilp Vinod, Gokulakrisnan, R Muthusrinithi, and Supriya represented the respondents.***