

**HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

**WRIT PETITION No.24771 of 2020**

**ORDER:**

The resolution dated 28.11.2020 passed by the Board of Tirumala Tirupati Devasthanam (for short, 'TTD') which stirred the conundrum and gave rise to the instant writ petition is, thus:

**Res.No.299, dated 28.11.2020**

**Sub:** TTD – Opening of Vaikunta Dwaram for 10 days from Vaikunta Ekadasi day – Emergency Board Meeting dated 05/01/2020 – Appointment of Sub-Committee – Submission of Sub-Committee Report with Recommendations – Reg.

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The Board considered the report of Sub-Committee on opening of Mukkoti Vaikunta Pradakshina Dwaram in Sri Tirumala Temple for 10 days from Vaikunta Ekadasi.

After carefully considering the sampradaya of opening of Uttara Dwaram for 10 days in Srivaishnavaites Temples for the devotees during Rapattu period, the opinion of Agama Advisory Committee of Sri Tirumala Temple, the opinion of Sriman HH Pedda Jeeyanagar, TTD and the recommendations/opinion rendered by 26 Peethadipatis/Mathadhipathis and also considering the popular demand from the pilgrims to have Mukkoti Pradakshina darshan, it is resolved to keep the Mukkoti Pradakshina (Vaikunta Dwaram) open for 10 days from Vaikunta Ekadasi day in Sri Tirumala Temple, i.e., during Rapattu period of Adhyayanotsavam.

**Sd/- Y.V.Subba Reddy  
Chairman, TTD Board**

Challenging the above decision of the Board to keep open Vaikunta Dwaram of Tirumala Temple for 10 days instead of two (2) days i.e., Ekadasi and Dwadasi, the instant writ petition came to be filed alleging that such a proposal is totally blasphemous and against the centuries old established traditions, and dictums of the religious scriptures and most importantly against the Vaikhanasa Agama

sampradayams which govern and regulate the several ritualistic functions performed to Lord Sri Venkateswara.

2. Earlier, W.P (PIL) No.1 of 2020 was filed by another petitioner seeking a mandamus against the TTD for not allowing devotees to pass through the Vaikunta Dwaram during *Vaikunta Ekadasi* (i.e., on 06.01.2020) for a period of 10 days by not taking into consideration the report of the Aagama Advisory Committee and also the advises of Pitaadhipathees of different Mutts as illegal. The said writ petition was disposed of on 03.01.2020 with the following observation:

*“If the petitioner submits a representation putting forth the grievance along with a copy of this order today, by fax, it may be taken note by respondent Nos.2 and 3 after taking into consideration the report of the Aagama Advisory Committee and also the advices of Pitaadhipathees of different Mutts and a final decision be taken thereon on or before 06.01.2020.”*

3. Be that it may, the present writ petition is filed on several allegations, the prominent of which are that the TTD has not followed the direction in W.P (PIL) No.1 of 2020 in true letter and spirit. It has not consulted and obtained the views of various pontiffs of prominent Mutts on the sensitive issue which has a pervasive impact on the religious sentiments of Hindu devotees. It is alleged that the Board has taken an independent decision. The Aagama Sastra Advisory Board of TTD is also not a competent authority or body which can guide or lead the temple in following its rituals. There are vedic pandits, religious bodies, Jeeyars of different Mutts, who could enlight the TTD on the

issue and guide in a right path. A unilateral decision was taken just for the purpose of having financial gains. The decision to keep open Vaikunta Dwaram for 10 days besides violative of Aagama Sastras, Hindu Texts and established sampradayams, may ultimately lead to disastrous results.

4. It is further averred that indeed there was no Uttara Dwaram to Tirumala temple, but, however, there is one small Dwaram in the Garbhagudi i.e., Sanctum sanctorum on the northern side which is being called as Vaikunta Dwaram or Uttara Dwaram and opened on *Vaikunta Ekadasi* day alone to enable devotees to have circumambulation i.e., pradakshanam around the temple and the main deity. After performing Chakrasnanam on the next day i.e., Dwadasi, the door will be closed. This has been the tradition followed since long in Tirumala. The proposal to keep open the Vaikunta Dwaram for 10 continuous days beginning with Ekadasi is unknown to the temple history and besides, such revolutionary change sought to be implemented is against all the norms and scriptures. Introduction of such irreligious and unconventional practice bring down the importance and piousness of the holy day, the Ekadasi and hurt the religious sentiments of the general public. Hence, the writ petition.

5. Heard Sri S.Sreenivas Bhatt, learned counsel for petitioner, learned Assistant Government Pleader for Endowments appeared for 1<sup>st</sup> respondent and Sri A.Sumanth, learned Standing Counsel appearing on behalf of respondents 2 & 3, who submitted their arguments on the strength of the instructions they received. In view of the urgency involved, the matter was heard and decided at the admission stage with the consent of counsels from either side.

6. Many anecdotes are in circulation about the mythological prominence of *Vaikunta Ekadasi*. It is believed to be stated in Padma puranam that Lord Sri Mahavishnu destroyed the two Asuras (demons) namely Madhu and Kaitabha and restored Vedas stolen by them. However, showing compassion, Lord bestowed moksha (salvation) to those two Asuras by allowing them to have his Darshan through Uttara Dwaram (Northern Doorway) of Sri Vaikuntam on Souramana Sukla Paksha Ekadasi (*Margasira Ekadasi*). Hence, the said day is christened as *Vaikunta Ekadasi*. It is further believed that those two demons prayed Lord Sri Maha Vishnu to bestow moksha to all devotees who would have his Darshan on the *Ekadasi* day. Pleased by their generous prayer, Lord agreed to grant moksha to those devotees having his Darshan through Vaikunta Dwaram on *Vaikunta Ekadasi* day. That is how, since times memorial, in all the Sri Vaishnava temples, *Vaikunta Ekadasi* festival has been observed by allowing the devotees to pass through the Uttara Dwaram (Northern doorway) to have the Darshan of

presiding Lord of the temple to attain moksha. It is stated there are about 108 famous Sri Vaishnava Divyadesams (temples) including Srirangam, Srivilliputtur, Tirumala etc. Of them, about 28 temples are having Vaikunta Dwaram towards northern side of the sanctum sanctorum within the temple premises.

Tirumala temple is concerned, it also follows the tradition of *Vaikunta Ekadasi*. However, this temple has no traditional Uttara Dwaram. However, there is a Pradakshinam pathway covering South, West and Northern side of sanctum sanctorum having entrance from South and exit from northern side. This is popularly known as *Vaikunta Pradakshinam*. Thus, the *Vaikunta Pradakshinam* is the first circumambulatory path around the original central shrine comprising of the Garbha Gruham, Mukha Mandapam and the presiding Lord. Every year, on *Vaikunta Ekadasi* day the TT Devasthanam facilitates the devotees to have Pradakshinam through the aforesaid circumambulatory path and have the Darshan of the Lord. As stated supra, this year, the TTD Board have decided to keep open the said pathway for 10 days commencing from the *Vaikunta Ekadasi* day which stirred the hornet's nest.

7. The first and poignant argument of the learned counsel for petitioner is that the resolution to extend Vaikunta Dwara Darsanam beyond Ekadasi and Dwadasi is unilateral, invidious and gross infraction of established conventions and traditions cherished and

followed for centuries. In expatiation, learned counsel argued that the new tradition sought to be adopted by the TTD Board is not backed up by the sanction of holy pontiffs of various Mutts, except the Aagama Advisory Committee which is a part and parcel of TTD Board. Besides, the new tradition if allowed to be perpetrated, will lower the importance and sanctity of *Vaikunta Ekadasi* and in future, demands may be raised for opening the Vaikunta Dwaram for months together and it may become a permanent practice. Admitting that in Srirangam, which is another famous Sri Vaishnava temple of Lord Ranganatha Swamy, Vaikunta Ekadasi celebrations are being performed for ten days, learned counsel, however, would point out that in Srirangam, Pancharatra Aagama Sastra is followed whereas in Tirumala, Vaikhanasa Aagama Sastra is followed and due to this Sastric variation, the practice in Srirangam cannot be taken as a precedent. Learned counsel further argued that the TTD obtained letters from selected Peetams and Mutts to suit its proposal to open Vaikunta Dwaram for 10 days. Most of those who gave letters backing up the proposal of TTD, are having their Mutts at Tirumala and so their opinion is biased. On the other hand, the petitioner consulted and obtained opinions of several prominent Mutts who expressed their objections for such course being followed. Learned counsel filed copies of those letters along with material papers.

8. Refuting the above arguments of the petitioner, Sri A.Sumanth, learned Standing Counsel for TTD firstly argued that the question raised by the writ petitioner being purely related to the religious practices of the Tirumala temple, the same is not amenable to the writ jurisdiction as the decision of the issue is purely dependant on various questions of facts. He would thus submit that the writ petition is not maintainable and if at all the petitioner is aggrieved by the resolution, he can take recourse before the Endowments Tribunal under Section 87(e) of the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short, 'the Act 1987').

(a) Secondly, he argued that the petitioner cannot claim to have suffered violation of any of the rights much less the fundamental rights and therefore, he has no locus to file the writ petition.

(b) Thirdly, he argued that even during the end of 2019, the TTD was considering the issue of opening Vaikunta Dwaram for 10 days and it obtained opinions from the relevant persons including Aagama Advisory Committee. In the meanwhile, W.P. (PIL) No.1/2020 was filed and Hon'ble High Court has passed an order instructing the writ petitioner therein to submit representation which may be taken note by the TTD and after taking into consideration the report of Aagama Advisory Committee and also the advises of Peetadipathis of different Mutts, final decision be taken thereon, on or before 06.01.2020. Learned Standing Counsel submitted that the Board took a resolution

dated 05.01.2020 to permit the devotees through Vaikunta Dwaram for 2 days i.e., only on *Vaikunta Ekadasi* and *Dwadasi* (06.01.2020 & 07.01.2020). However, considering the issue as purely a religious matter, the Board decided to constitute a sub-committee with 5 members to hold consultations with Agama Advisory Committee, TTD; Sriman His Holiness Peda Jeeyangar, TTD and Heads of Peetams and Mutts concerned and to submit a comprehensive report covering all issues within a month to enable the Board to take a decision on opening of Vaikunta Dwaram for 10 days in Tirumala. Thereupon the sub-committee meticulously studied the issue and after obtaining the opinion of eminent and scholarly pontiffs of 26 Matadipathis, submitted its report recommending for opening of Vaikunta Dwaram for 10 days from *Vaikunta Ekadasi* day. Accepting the report of sub-committee the TTD Board has passed the impugned resolution dated 28.11.2020. Learned Standing Counsel vehemently argued that in view of the strenuous exercise made by the respondent Board, it is preposterous for petitioner to contend that the impugned resolution was independent and a subjective decision of the Board devoid of any merit and approval by the concerned Mutts and Peetams. He took severe objection that the approval letters were fraught with bias. In support of his argument, learned Standing Counsel filed material papers containing the report of the sub-committee and the copies of the letters issued by various Mutts.



9. The points for consideration are

- (1) Whether the writ petition is maintainable having regard to the nature of the *lis* involved ?
- (2) If Point No.1 is held affirmatively, whether the impugned resolution dated 28.11.2020 passed by the TTD Board is in gross violation of established customs, conventions and Aagama Sastras?

10. **Point No.1:** As can be seen, the petitioner challenges the resolution dated 28.11.2020 of the TTD Board to open the Vaikunta Dwaram for 10 days commencing from *Vaikunta Ekadasi* to enable the devotees to have Mukkoti Pradakshina in Sri Tirumala temple on the main allegation that such a resolution is violative of established traditions and dictums of the religious scriptures and most importantly against the tenets of Vaikhanasa Aagama Sampradayams which govern and regulate the ritualistic functions performed at Tirumala temple. Both the petitioner and respondents, in order to buttress their respective contentions, mainly relied upon the customs, conventions and Sampradayams said to be followed over a long period. Their respective pleadings and arguments are elaborately discussed supra by this Court mainly to emphasize the point that the resolution of the controversial issue invariably depends upon several facts, most of which emanate from the religious customs and usages practised not only in Tirumala temple but in several other Sri Vaishnava temples. It is a well known cardinal principle that generally the Courts will not exercise writ jurisdiction when the issues pivots on pure question of facts. That apart,

the questions involving the religious beliefs are non-justiceable. It is trite law that when the Court is asked to interpret the religious questions that too while exercising writ jurisdiction, it should desist from doing so because theological and ecclesiastical questions are not justiciable. Added to above, in the whole gamut of the matter, the petitioner could not establish violation of any of his rights much less fundamental rights so as to invoke the jurisdiction of this Court. Thus, in any view of the matter, as rightly argued by the learned Standing Counsel for respondents, the writ petition is not maintainable.

**11. Point No.2:** In view of Point No.1 held in negative, the consideration and decision on Point No.2 is wholly unnecessary.

**12.** In the result, this Writ Petition is dismissed. No order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

23.12.2020  
SS/MVA

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**U. DURGA PRASAD RAO, J**