



LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 3

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.289>

© 2026 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com

Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)

To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript [Click here](#)

JURISTIC PERSONHOOD OF RIVERS IN INDIA: A CASE ANALYSIS OF SIVANUPANDIAN V. DISTRICT COLLECTOR, TIRUNELVELI

Giftson. J. S¹

I. ABSTRACT

This case analysis examines Sivanupandian v. District Collector, Tirunelveli, an order of the Madurai Bench of the Madras High Court concerning pollution of the river Tamirabarani. The pollution arose from a widespread local practice of disposing of the clothes and ash of deceased relatives at the river's bathing ghats. What began as a petition relating to an encroachment eviction developed into a broader inquiry into the protection of the river, with the Court invoking the Water (Prevention and Control of Pollution) Act, 1974 and the Tamil Nadu Public Health Act, 1939 to restrain the pollution. The significance of this order lies in the Court's method of reasoning. Rather than declaring the river a legal person purely as a natural resource, an approach the Supreme Court had earlier stayed in Mohd. Salim v. State of Uttarakhand, the Madras High Court adopted a different route. It recognised the Tamirabarani as a deity worshipped by local communities, applying the established principle that Hindu idols and deities may hold legal rights. This enabled the Court to balance the right to religious practice under Article 25 with the right to a clean environment under Article 21 and the duty to protect nature under Article 51A(g), without addressing the wider, unresolved question of whether rivers as such can be recognised as legal persons. This case analysis examines the factual background, legal issues, the Court's reasoning on each issue, and the ratio decidendi of the order. It further evaluates the significance of the decision as a distinct, faith-based approach to environmental personhood. The analysis considers whether this approach can provide Indian courts with a practical framework beyond the traditional anthropocentric and ecocentric approaches in future litigation concerning the protection of rivers.

¹ 4th Year B.A. LL.B., Student at Government Law College, Theni (affiliated to Tamil Nadu Dr. Ambedkar Law University) (India). Email: desyncx97914@gmail.com

II. KEYWORDS

Juristic Personhood; Environmental Jurisprudence; River Pollution; Article 21; Deity as Legal Person.

III. INTRODUCTION

India is home to many sacred rivers, and while the Ganga, the Godavari, and the Kaveri are widely known across the country, the far south holds a river of equally ancient standing: the Tamirabarani Rising at Agastyarkoodam in the Pothigai hills of the Western Ghats, it flows about 128 kilometres through Tirunelveli and Thoothukudi districts of Tamil Nadu into the Gulf of Mannar, and is the only perennial river native to the state, comparable in that respect to the Godavari or Kaveri in their own basins. Much as the Ganga is revered not merely as a resource but as a goddess, the Tamirabarani too is worshipped rather than merely used.²

Known in antiquity as the Porunai, the river appears repeatedly in the Sangam classic Purananuru, and later came to be called Tamraparni.³ It finds mention in the Mahabharata, where it is described as a place where the gods performed penance in pursuit of salvation, and is likewise recognised as a holy river in the Ramayana and the Puranas.⁴ It is joined along its course by tributaries including the Manimuthar, the Gadanathi, the Pachaiyar, and the Chittar, and its banks are dense with ancient temples.

This intertwining of faith and geography lies at the heart of *Sivanupandian v. District Collector, Tirunelveli*.⁵ The case arose because reverence for the river had, over generations, translated into a practice of disposing of the clothes and ash of deceased relatives at its bathing ghats, steadily degrading a river on which the region depends for drinking water and irrigation. Rather than treating the river merely as a resource requiring regulation, the Madurai Bench of the Madras High Court recognised the

² Rajah Chandran, *The Porunai in Sangam Literature: A River of Wealth, Power and Antiquity*, Down to Earth (Apr. 19, 2024), <https://www.downtoearth.org.in/blog/environment/the-porunai-in-sangam-literature-a-river-of-wealth-power-and-antiquity-79131>.

³ *Id.*

⁴ *The Mahabharata of Krishna-Dwaipayana Vyasa, Vana Parva*, § LXXXVIII (Kisari Mohan Ganguli trans., 1883 to 1896)

⁵ *Sivanupandian v. District Collector and Others*, 2026 LiveLaw (Mad) 353.

Tamirabarani as a deity in its own right, a juristic person, so as to protect it without curtailing the religious sentiment that had given rise to the harm.

This analysis examines the factual background, legal issues, arguments, the Court's reasoning, and the resulting *ratio decidendi*, before assessing the order's significance for environmental jurisprudence in India.

IV. FACTUAL AND PROCEDURAL BACKGROUND

The petitioner, one Sivanupandian, was in charge of "*Anandha Vilas*," a pillared Mandapam without enclosed walls, situated on a bathing ghat of the river Tamirabarani at Papanasam village, Ambasamudram Taluk, Tirunelveli District. The structure, standing on land classified in revenue records as river poramboke, and specifically described in the "A" Register as "*Tamirabarani River*," had existed for a long time and was, in fact, a nearly four-hundred-year-old stone structure. The petitioner had made improvements to it, claimed exclusive possession and management, and collected fees from users of the bathing ghat.

On 24.01.2024, the Assistant Executive Engineer (WRO), Upper Tamirabarani Sub Division, issued an eviction order against the petitioner under Section 6 of the Land Encroachment Act, 1905. The petitioner challenged this order in WP(MD) No. 3059 of 2024, which the same Bench disposed of on 30.09.2024, relegating him to the appellate authority with a direction that the appeal be decided within four months of presentation. Although the appeal memo was submitted on 27.12.2024, the appellate authority failed to decide it within the stipulated period. Since no interim order had been obtained, the second respondent issued a reminder notice dated 23.06.2026, which the petitioner then challenged in the present writ petition, WP(MD) No. 18560 of 2026, filed under Article 226 of the Constitution seeking a writ of mandamus to quash the notice and restrain interference with his possession of the Mandapam.

During the hearing, the Court was informed that thousands of devotees gather at the bathing ghats of the Tamirabarani, from Papanasam onwards, to perform obsequies for deceased relatives, a practice that invariably involves the ritual discarding of garments, towels, slippers, and other personal articles associated with the dead, particularly during occasions such as Aadi Amavaasai. The Court accordingly

impleaded, *suo motu*, the Commissioner and Joint Commissioner of the Hindu Religious and Charitable Endowment Department and the Executive Officer of the Arulmighu Papanasa Swamy Thirukoil as respondents three to five, by order dated 02.07.2026.

At the Court's request, a local activist, Thiru Moorthy, who had been working to clean discarded waste from the river in coordination with the local administration, the temple management, and a community of waste collectors known as "*Aripukarargal*," appeared in person and briefed the Bench on the scale of the problem. The Court also examined a booklet titled *Thamarabharani Nadhineer Thooimai Vizhipunarvu*, authored by Smt. C. Kalavalli, recording that between 07.05.2026 and 28.05.2026 alone, roughly 86 to 90 tonnes of clothes, 2.20 tonnes of holy ash, and several hundred kilograms of plastic waste, glass bottles, sanitary items, and other debris had been removed from the river.

Recognising that the issue touched the religious beliefs of millions of Hindus, the Court declined to pass final orders without hearing affected stakeholders. By its interim order dated 09.07.2026, it directed the District Collector to make a public announcement inviting religious bodies and activists to make submissions, and posted the matter for further hearing on 16.07.2026. Objections were filed by Thiru Kutralanathan, an advocate from Tirunelveli, and submissions were also heard from lawyers representing Hindu Munnani. The appellate authority ultimately dismissed the petitioner's appeal on 15.07.2026, after what the Court itself described as strong prompting in the course of these proceedings. The matter was finally disposed of by the impugned order dated 23.07.2026.

V. LEGAL ISSUES INVOLVED IN THE CASE

1. Whether a structure standing on land classified as river poramboke, and recorded in revenue records as forming part of the river itself, can be shielded from eviction on the ground of long possession and improvements made thereon?
2. Whether the ritual disposal of clothes, ash, and personal articles of the deceased at the bathing ghats of the Tamirabarani river amounts to pollution

prohibited under Section 36 of the Tamil Nadu Public Health Act, 1939 and Section 24 of the Water (Prevention and Control of Pollution) Act, 1974?

3. Whether restraining such ritual disposal infringes the fundamental right to freedom of religion guaranteed under Article 25 of the Constitution of India?
4. Whether the river Tamirabarani can be recognised as a juristic person, and if so, whether such personhood can be grounded in its status as a deity rather than as a natural entity?
5. What is the scope and consequence of conferring juristic personality on the river, and whether such personality creates an open-ended set of rights or a narrowly confined right not to be polluted?
6. Whether immersion of ashes, as distinct from disposal of clothes and other waste articles, can be permitted, and if so, subject to what conditions?

VI. ARGUMENTS ADVANCED BY THE PARTIES

A. Arguments on behalf of the Petitioner

The petitioner, appearing through his counsel, primarily confined his submissions to the encroachment issue rather than the wider pollution question. It was contended that the petitioner had been in possession and management of the Anandha Vilas Mandapam for a considerable length of time, had made improvements to the structure, and had been collecting fees from pilgrims using the bathing ghat. On this basis, it was argued that the impugned notice dated 23.06.2026, issued pursuant to the earlier eviction order, was liable to be quashed and that the authorities ought to be restrained from interfering with his peaceful possession and enjoyment of the property. The petitioner did not appear to dispute the underlying pollution concerns raised by the respondents, and his case remained narrowly directed at resisting eviction.

B. Arguments on behalf of the State Respondents

The learned Additional Advocate General, appearing for respondents informed the Court that the structure in question stood on land classified as river poramboke and was, in fact, an ancient stone structure of considerable antiquity, and that the petitioner could claim no title over it. It was submitted that thousands of devotees

gathered at the bathing ghats of the Tamirabarani, particularly on occasions such as Aadi Amavaasai, to perform obsequies, and that this practice invariably involved the discarding of garments, ash, and other personal articles of the deceased directly into the river, resulting in severe and quantifiable pollution. The State respondents placed on record the District Collector's action plan report and undertook to implement measures to curb such pollution, while also supporting the eviction of the petitioner from the Mandapam so that it could be restored to its original form and taken over by the temple administration.

C. Submissions of the Impleaded Respondents and Objectors

Since the issue touched upon the religious beliefs of millions of Hindus, the Court invited responses from the public and concerned organisations before passing final orders. Thiru Kutralanathan, an advocate practising in Tirunelveli, filed written objections, and the Court also heard submissions made on behalf of Hindu Munnani. Although the specific content of these objections is not set out at length in the order, it is evident from the Court's reasoning that the objectors relied upon Article 25 of the Constitution to resist any restriction on the ritual disposal of clothes and ash, framing the practice as an integral facet of religious observance connected with the performance of last rites for the deceased.

D. Submissions of the Court Appointed Interlocutor

A distinctive feature of this case is the role played by Thiru Moorthy, a local environmental activist whom the Court invited to appear in person rather than through affidavit. He informed the Bench that efforts by temple authorities to curb dumping at specific points on the river bank had proved ineffective, since devotees simply shifted their activity to other stretches of the river between Gnanapalayam and Thalayanai. He placed detailed statistics before the Court, sourced partly from a booklet authored by Smt. C. Kalavalli, documenting the tonnage of clothes, ash, plastic, glass, and sanitary waste removed from the river over a short recording period, and highlighted the ecological consequences, including the suffocation of the Indian Black Turtle and Indian Flapshell Turtle species enmeshed in discarded clothing.

VII. RESEARCH AND ANALYSIS

A. Issue I: Encroachment on the Mandapam

On the question of whether the petitioner could resist eviction, the Court relied on its own earlier ruling in *R. Manibharathi v. Union of India*,⁶ where it had held that the bund of a tank forms part of the tank itself, and that encroachment upon a bund is impermissible. Extending the same reasoning by analogy, the Bench held that the bank of a river cannot be divorced from the river proper, and must equally be kept free of encroachment. The Court further noted that the structure in question was not a modern encroachment but a nearly four-hundred-year-old stone structure that had been distorted through the addition of enclosing walls, and treated it as an ancient monument over which the petitioner could claim no title. This finding disposed of the encroachment issue in favour of the respondents, and the Court proceeded on the footing that continued long possession, without more, could not defeat the character of the land as part of a protected water body.⁷

B. Issue II: Statutory Prohibition on Pollution

On whether ritual disposal of waste amounted to statutory pollution, the Court grounded its analysis in Section 36 of the Tamil Nadu Public Health Act, 1939, which prohibits pollution of watercourses, and more substantively in Section 24 of the Water (Prevention and Control of Pollution) Act, 1974, which the Court extracted in full and applied to the facts before it. The Bench supplemented this statutory analysis with factual material gathered through Thiru Moorthy and a booklet documenting waste removed from the river, and with technical detail regarding the differential biodegradability of cotton and polyester fabrics, and the resulting bacterial and ecological harm, including threats to two turtle species native to the river. This combination of statutory text and empirical detail allowed the Court to conclude,

⁶ *R. Manibharathi v. Union of India*, WP(MD) No. 31214 of 2023, batch decided 07.03.2024 (Mad. H.C., Madurai Bench).

⁷ *Sivanupandian*, 2026 LiveLaw (Mad) 353, ¶¶ 3 to 4

without difficulty, that the scale and nature of the dumping constituted polluting activity within the meaning of the Act.⁸

C. Issue III: Article 25 and the Limits of Religious Freedom

On the constitutional question, the Court's research drew on a settled line of authority establishing that the right to enjoy pollution free water is itself a fundamental right under Article 21, citing *Subhash Kumar v. State of Bihar*,⁹ and that no religion sanctions activity that causes pollution, citing the Supreme Court's observations in *M.C. Mehta v. Union of India*.¹⁰ The Court also invoked *T.N. Godavarman Thirumulpad v. Union of India*¹¹ for the proposition that Indian environmental jurisprudence has moved from an anthropocentric to an eco-centric approach. On this basis, the Bench reasoned that Article 25 makes the freedom to practise religion subject to considerations of public health, and that believers may pursue what is spiritually beneficial to them only to the extent that it does not adversely affect ecology or infringe the rights of others. This allowed the Court to conclude that regulating ritual disposal did not breach Article 25, since the right to religious practice was never absolute to begin with.

D. Issue IV: Juristic Personhood of the River as a Deity

This issue received the most extensive research. The Court traced the doctrine of deities as juristic persons through *Pramatha Nath Mullick v. Pradyumna Kumar Mullick*,¹² which recognised that a Hindu idol possesses juridical status capable of suing and being sued, *M.L. Hanumantha Rao v. Sai Baba*,¹³ which held that deity status turns on the faith of worshippers rather than association with a particular idol or shrine, and *Ram Jankijee Deities v. State of Bihar*,¹⁴ which explained that the formless divine is given manifestation through images for the benefit of worshippers. The Court supplemented this doctrinal research with religious and literary material, noting the river's mention in the Valmiki Ramayana, the Vyasa Mahabharata, and Kalidasa's

⁸ *Id.* ¶¶ 4 - 6; Water (Prevention and Control of Pollution) Act, 1974, § 24; Tamil Nadu Public Health Act, 1939, § 36

⁹ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

¹⁰ *M.C. Mehta v. Union of India*, 2024 SCC OnLine SC 3366.

¹¹ *T.N. Godavarman Thirumulpad v. Union of India*, (2012) 3 SCC 277.

¹² *Pramatha Nath Mullick v. Pradyumna Kumar Mullick*, AIR 1925 PC 139.

¹³ *M.L. Hanumantha Rao v. Sai Baba*, 1972 SCC OnLine Mad 92

¹⁴ *Ram Jankijee Deities v. State of Bihar*, (1999) 5 SCC 50.

Raghuvamsam, as well as the existence of a dedicated epic, the *Tamirabarani Mahathmiyam*, and the periodic Tamirabarani Pushkaram, a ritual event held once every twelve years. On this basis, the Bench concluded that the river is admittedly worshipped as a deity, and therefore partakes of the character of a person, while expressly distinguishing this approach from *Mohd. Salim v. State of Uttarakhand*,¹⁵ where personhood had been conferred on the Ganga and Yamuna as natural entities and subsequently stayed by the Supreme Court. The Court clarified that its recognition of personhood rested not on the river being a river, but on the river being a deity.

E. Issue V: Scope and Limits of the Personhood Conferred

To delineate the boundaries of the personhood it was conferring, the Court engaged closely with the Supreme Court's observations in the *Rama Janma Boomi* case,¹⁶ where a similar request to confer juristic personality on a disputed birthplace had been rejected, but where the Court had laid down that the scope of any juristic personality must be tied to the specific purpose for which it is conferred. Applying this limiting principle, the Bench held that the personhood conferred on the Tamirabarani was confined to a single right, namely, the right not to be polluted, and did not extend to any broader bundle of rights or liabilities. The Court also drew on the reasoning in *Official Trustee of W.B. for the Trust of Chitra Dassi v. CIT*,¹⁷ which had treated a deity as an individual capable of being an assessable unit, to reinforce the workability of treating the river as a limited legal person. To situate this innovation within a wider comparative and philosophical frame, the Court referred to the Promethean legend as contrasted with the story of Bhagiratha bringing the Ganga to earth through prayer, to essays on the "right of a river to flow" and Bolivia's Law of Mother Earth, and to the 2021 recognition of legal rights for the Magpie River in Canada, while consciously declining to import those broader frameworks and confining its own holding to the narrower, deity based rationale.¹⁸

¹⁵ Writ Petition (PIL) No. 126 of 2014 (Uttarakhand H.C., order dated 20.03.2017), stayed, SLP (C) No. 16879 of 2017 (order dated 07.07.2017).

¹⁶ *M. Siddiq (Ram Janmabhumi Temple Case) v. Mahant Suresh Das*, (2020) 1 SCC 1.

¹⁷ *Official Trustee of W.B. for the Trust of Chitra Dassi v. CIT*, (1974) 3 SCC 616.

¹⁸ WP(MD) No. 18560 of 2026, order dated 23.07.2026, ¶¶ 16 to 18.

F. Issue VI: Ash Immersion as a Distinct Category

On the final issue, the Court treated immersion of ashes differently from disposal of clothes and waste, relying on *Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt*¹⁹ for the proposition that performance of religious rites is an integral facet of the right guaranteed under Article 25. The Court reinforced this with the personal example of Pandit Jawaharlal Nehru's testamentary wish that his ashes be immersed in the Ganga, and an anecdote concerning a physician's similar wish regarding the Bay of Bengal, drawn from Chitra Subramaniam's memoir. Balancing religious sentiment against ecological concern, the Bench permitted ash immersion, but only through unfired earthen pots, reasoning that such pots would dissolve rapidly in water, whereas fired pots would not.²⁰

VIII. JUDGMENT

A. Ratio Decidendi

First, on the encroachment question, the Court held that a river bank cannot be legally severed from the river itself, and that a structure standing on land classified as river *poramboke* cannot be shielded from eviction merely by reason of long possession or improvements made upon it, since "*the character of the property as a water body is beyond dispute.*"²¹

Second, on the statutory and constitutional foundation for regulating ritual pollution, the Court held that the ritual disposal of clothes, ash, and personal articles into the Tamirabarani constitutes pollution within the meaning of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 36 of the Tamil Nadu Public Health Act, 1939, and that such regulation does not violate Article 25 of the Constitution, since religious freedom is, in the Court's words, an "*axiomatic proposition*" subordinate to the principle that "*no one has the right to pollute a water body even in the name of religion.*"²² Article 25 was held to be subservient to public health,

¹⁹ *Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt*, 1954 SCR 1005.

²⁰ *Sivanupandian*, 2026 LiveLaw (Mad) 353, ¶¶ 22 - 23.

²¹ *Id.*, ¶3

²² *Id.*, ¶ 6.

and the exercise of religious practice was found to be conditional on it having "no adverse implication for ecology" and not violating "the rights of the other members of the society."²³

Third, and most significantly, the Court held that the river Tamirabarani is a juristic person, expressly grounding this holding not in the river's status as a natural entity, but in its status as a worshipped Hindu deity: "*we recognise the personhood of Tamirabarani not because it is a river but because She is a deity. No one has a right to pollute her.*" Applying the limiting principle drawn from the Supreme Court's observations in *M. Siddiq (Ram Janmabhumi Temple Case) v. Mahant Suresh Das*,²⁴ that "*the parameters of judicial innovation are set by the purpose for which the Judge innovates,*" the Bench confined the consequence of this personhood strictly to a single right, namely, the right of the river not to be polluted, expressly disclaiming any broader bundle of rights, duties, or liabilities flowing from the recognition.²⁵ This three part holding, taken together, constitutes the *ratio decidendi* of the case.

B. Obiter Dicta

The Court's extended engagement with Tamil and religious literature, including its reliance on the *Thirukkural* couplet, quoted in the original Tamil and rendered in G.U. Pope's translation as "*By water outward forms are clean'd; by truth alone / The inward man is thoroughly purify'd and known,*"²⁶ together with the biblical reference to salt that has "*lost his savour,*"²⁷ falls into this category. These passages illustrate the Court's reasoning rather than constitute it, and could have been omitted without disturbing the operative holding.

Similarly *obiter* is the Court's excursion into comparative and philosophical material on the personhood of nature more broadly, including its discussion of the Promethean legend as contrasted with the story of Bhagiratha, its reference to Ramaswamy Iyer's essay, *Living Rivers, Dying Rivers*, questioning "*does not a river have a right to flow,*"²⁸

²³ *Id.* ¶ 8.

²⁴ *Id.* ¶ 14 (quoting *M. Siddiq (Ram Janmabhumi Temple Case) v. Mahant Suresh Das*, (2020) 1 SCC 1). [↵](#)

²⁵ *Id.* ¶¶ 14 - 15

²⁶ *Id.* ¶ 9.

²⁷ *Id.*

²⁸ *Id.* ¶ 16 (quoting Ramaswamy R. Iyer, *Living Rivers, Dying Rivers* (Oxford Univ. Press)).

and its account of the 2021 recognition of legal rights for the Magpie River in Canada, encompassing "*the right to live, to exist, and to flow*" and "*the right to be free from pollution*."²⁹ The Court itself signalled the non-binding character of this material, stating that it "*consciously refrain[ed]*" from relying further on international developments, and clarified that its own holding rested solely on the deity based rationale.³⁰

Finally, the Court's treatment of ash immersion, including its extended quotation from Pandit Jawaharlal Nehru's testamentary letter expressing his wish to have his ashes immersed in the Ganga,³¹ and the accompanying anecdote drawn from Chitra Subramaniam's memoir, *Bofors Gate: A Journalist's Pursuit of Truth*, is best understood as *obiter* that contextualises and humanises the Court's ultimate direction, that unfired earthen pots alone may be used for ash immersion, a direction that itself forms a specific operative order rather than a general proposition of law binding on future courts.

IX. CONCLUSION AND COMMENTS

The Sivanupandian case deserves to be read as a landmark judgement, not because it settles the contested question of whether rivers as such may be treated as legal persons, but because it deliberately avoids that question and finds a narrower, more durable route to the same protective end. Where the Uttarakhand High Court in *Mohd. Salim*³² attempted to give personhood to the Ganga and Yamuna as natural entities, with "all corresponding rights, duties and liabilities of a living person," it was met with a stay from the Supreme Court because such an open-ended formulation raised serious workability concerns.

The State of Uttarakhand's challenge specifically highlighted the risk of unmanageable liability, including whether victims of flood damage could sue the State as the river's legally appointed guardian, while later commentary on the stay has also noted the separation-of-powers concern that legal personhood for natural entities

²⁹ *Id.* ¶ 17.

³⁰ *Id.* ¶ 18.

³¹ *Id.* ¶ 22.

³² *Mohd. Salim*, W.P. (PIL) No. 126 of 2014 (Uttarakhand H.C. Mar. 20, 2017), stayed by SLP (C) No. 16879 of 2017 (S.C. July 7, 2017).

of this breadth required legislative, rather than purely judicial, authorisation. Against that background, the Madras High Court's innovation lies in grounding personhood in a doctrine already settled and familiar to Indian courts for a century, the recognition of deities and idols as juristic persons, and in confining the Tamirabarani's personhood to one specific right: the right not to be polluted. This also invites comparison with New Zealand's Te Awa Tupua (Whanganui River Claims Settlement) Act, 2017, which declared Te Awa Tupua to be a legal person and recognises the relationship between Whanganui Iwi and the river through the well-known Māori idea that "I am the river and the river is me."

In that respect, the Whanganui model is closer to Sivanupandian than purely ecological personhood frameworks, because both rest on a spiritually grounded relationship with a river rather than on environmental utility alone. Yet the Indian route remains doctrinally distinct: the Madras High Court did not adopt an indigenous-settlement model or a statutory guardianship framework, but drew instead on the settled Hindu-law doctrine of deities and idols as juristic persons. This is what makes the order significant well beyond the facts of a single polluted riverbank: it demonstrates that Indian courts need not import untested comparative frameworks such as Bolivia's Law of Mother Earth, Canada's Magpie River resolutions, or even the Whanganui statutory model in order to achieve ecological protection, since Hindu law itself already supplies a workable vessel for legal personality, one tested and refined since Pramatha Nath Mullick in 1925.

The order also stands out for its methodological restraint. Mindful of the Supreme Court's caution in the *Rama Janma Boomi*³³ that the scope of any conferred personality must track the purpose for which it is conferred, the Bench confined the Tamirabarani's personhood strictly to the right not to be polluted. This narrow tailoring is likely to prove the order's most influential feature, since it offers future courts a template that is difficult to dismiss as judicial overreach: personhood conferred for a specific, demonstrable harm, rather than personhood conferred as an abstract ecological gesture. In this sense, the order occupies a careful middle ground between the eco centric ambition of *Mohd. Salim* and the conventional regulatory

³³ M. Siddiq (*Ram Janmabhumi Temple Case*), (2020) 1 SCC 1.

approach of pollution control statutes, which the Court itself found had "*turned out to be ineffective*" on their own.³⁴

Equally significant is the Court's willingness to use religious sentiment as an instrument of environmental protection rather than treating it as an obstacle to be overridden. By reminding objectors that they were, in effect, being asked whether they had "*a right to desecrate their own Devi*,"³⁵ the Bench turned the very faith invoked to resist regulation into the justification for regulation itself. This represents a distinctive contribution to Indian environmental jurisprudence, aligning with what the Court itself termed the need for law to "*increasingly align itself with spiritual ecology*,"³⁶ particularly in a country where moral and religious persuasion has, on the Court's own observation, achieved outcomes that legal compulsion alone could not.

At the same time, the order's reasoning invites a measure of caution. By tying the river's personhood entirely to its status as a worshipped deity, the Court leaves unresolved the position of rivers, lakes, or ecosystems that carry no comparable religious significance, a limitation the Bench itself appears to accept rather than treat as a gap. Whether this deity-based model can be extended to other water bodies across India, many of which carry regional or local religious significance without the pan Indian literary pedigree of the Tamirabarani, remains an open question for future litigation. Nonetheless, as a case study in judicial creativity operating within, rather than against, the grain of Indian legal tradition, *Sivanupandian* offers a genuinely original contribution to the jurisprudence of environmental personhood, and is likely to be cited as persuasive authority the next time an Indian court is asked to protect a river through means other than conventional pollution control statutes.

X. REFERENCES

A. Cases

1. Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, 1954 SCR 1005.

³⁴ *Sivanupandian*, 2026 LiveLaw (Mad) 353, ¶ 15.

³⁵ *Id.*, ¶ 14.

³⁶ *Id.*, ¶ 19.

2. M.C. Mehta v. Union of India, 2024 SCC OnLine SC 3366.
3. M.L. Hanumantha Rao v. Sai Baba, 1972 SCC OnLine Mad 92.
4. M. Siddiq (Ram Janmabhumi Temple Case) v. Mahant Suresh Das, (2020) 1 SCC 1.
5. Mohd. Salim v. State of Uttarakhand, Writ Petition (PIL) No. 126 of 2014 (Uttarakhand H.C., order dated 20.03.2017), *stayed*, SLP (C) No. 16879 of 2017 (order dated 07.07.2017).
6. Official Trustee of W.B. for the Trust of Chitra Dassi v. CIT, (1974) 3 SCC 616.
7. Pramatha Nath Mullick v. Pradyumna Kumar Mullick, AIR 1925 PC 139.
8. R. Manibharathi v. Union of India, WP(MD) No. 31214 of 2023 (batch), decided 07.03.2024 (Mad. H.C., Madurai Bench).
9. Ram Jankijee Deities v. State of Bihar, (1999) 5 SCC 50.
10. Sivanupandian v. District Collector, Tirunelveli, WP(MD) No. 3059 of 2024, order dated 30.09.2024 (Mad. H.C., Madurai Bench).
11. Sivanupandian v. District Collector, Tirunelveli, WP(MD) No. 18560 of 2026, order dated 09.07.2026 (Mad. H.C., Madurai Bench).
12. Sivanupandian v. District Collector, Tirunelveli, WP(MD) No. 18560 of 2026, order dated 23.07.2026 (Mad. H.C., Madurai Bench).
13. Subhash Kumar v. State of Bihar, (1991) 1 SCC 598.
14. T.N. Godavarman Thirumulpad v. Union of India, (2012) 3 SCC 277.

B. Statutes and Constitutional Provisions

1. India Const. arts. 21, 25, 51A(g), 51A(h), 226.
2. Land Encroachment Act, No. 3 of 1905, § 6 (India).
3. Tamil Nadu Public Health Act, No. 3 of 1939, § 36.
4. Water (Prevention and Control of Pollution) Act, No. 6 of 1974, § 24 (India).

C. Books and Articles

1. Kalavalli, C., *Thamarabharani Nadhineer Thooimai Vizhipunarvu* (n.d.).
2. Iyer, Ramaswamy R., *Living Rivers, Dying Rivers* (Oxford Univ. Press).
3. Singh, Seema (ed.), *Bharatiya Jurisprudence: Redefining Legal Philosophy* ch. 14, "Duties and Rights of Citizens in the Dharmasutra."
4. Subramaniam, Chitra, *Bofors Gate: A Journalist's Pursuit of Truth*.
5. Tharoor, Shashi, *Why I Am a Hindu* (2018).
6. Pope, G.U. (trans.), *Thirukkural*.

D. Internet Sources

1. Tamirabarani River, Wikipedia, https://en.wikipedia.org/wiki/Thamirabarani_River (last visited Aug. 8, 2026).