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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8639 of 2018

and

W.M.P. (MD) No.8102 of 2018

K.Prabhakaran @ Soundarapandi

... Petitioner

vs.

1. The District Collector
Madurai District
Madurai District
2. The Commissioner
Hindu Religious and Charitable
Endowments Department
Chennai
3. The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Madurai
4. The Assistant Commissioner
HR & CE Department
Ellisnagar, Madurai
- 5.P.Vadivel
- 6.V.Murugesan
- 7.Krishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to take over the control of the temple namely, Sri.Mariamman Temple, situated at K.Pudur Bus Stand, Madurai City and ensure that there shall not any discrimination in worship and the temple properties shall not be subjected to any sort of misappropriation by any individuals including 5th respondent and his family members.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.V.Anand

Government Advocate for R1 to R4

**O R D E R**

Mr.V.Anand, learned Government Advocate, takes notice for the respondents 1 to 4. Notice to the respondents 5 to 7 is dispensed with in view of nature of the order to be passed by this Court.

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2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 19.02.2018 seeking to take over the control of the Temple, namely, Sri.Mariamman Temple, situated at K.Pudur Bus Stand, Madurai City and to ensure that there shall not by any discrimination in worship and the temple properties shall not be subjected to any sort of misappropriation by any individuals including the 5th respondent and his family members, has not been considered by the respondents 1 to 4 till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the fourth respondent to consider the petitioner's representation dated 19.02.2018 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the respondents 5 to 7 and any other persons who may be interested in the subject matter.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To:

1. The District Collector,
Madurai District,
Madurai District.
2. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
3. The Joint Commissioner,
Hindu Religious and Charitable,
Endowments Department,
Madurai.
4. The Assistant Commissioner,
HR & CE Department,
Ellisnagar, Madurai.

+1cc to Mr.S.Balamurugan, Advocate Sr.No.62589

KRK

VB/KKR/SAR1/14/05/2018/3P/6C

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and

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19.04.2018